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EASTERN

F.O.
371

1948

PALESTINE

FILE No. 8

pp. 2760 - 3374

68616

1948

E

PALESTINE

2

E 3374

13 MAR 1948

Registry Number | E3374 /8/31

From W.A.C. Mathieson

To Colonial Office

Date 75872/154/17

Received in Registry | 9th Mar 13th "

Debate on the Palestine Bill

Encloses seven further notes prepared for the Colonial Secretary, in Connection with the speech he is preparing for the debate on the Palestine Bill on the 10th March.

Last Paper.

3373

References.

(Print.)

(How disposed of.)

(Minutes.)

N.B. Salmon 13/3

H.B. 13/3

(Action completed.)

(Index.)

Next Paper.

3375

1948

E

PALESTINE

2

E 3374

13 MAR 1948

Registry Number | E3374 /8/31

From W.A.C. Mathieson

No. Colonial Office

Date 75872/154/17

Received in Registry | 9th Mar 13th "

Debate on the Palestine Bill

Encloses seven further notes prepared for the Colonial Secretary, in Connection with the speech he is preparing for the debate on the Palestine Bill on the 10th March.

Last Paper.

3373

References.

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

Next Paper.

3375

(Minutes.)

N.B. Sulfur 13/3

H.T.B. 13/3

Gen 3
E

My Reference 75872/154/17

Your Reference .....

E 3574

17 MAR 1948

The Church House,
Gt. Smith Street,
S.W.1.

9th March, 1948.

SECRET

IMMEDIATE

My dear Beeley,

I enclose for your information copies of further notes prepared for the Secretary of State, in connection with the speech he is preparing for the Debate on the Palestine Bill on the 10th March. They are as follows:-

(a) Supply of Arms to the Arab States.
(b) Formation of Jewish Militia.
(c) Directive to G.O.C.
(d) Arab Activities in Palestine
(e) Assets and Liabilities of the Palestine Government.
(f) Transfer of Responsibility to Local Authorities.
(g) Legal points on Clauses 1(2) and 2(2).

Yours ever,
W A C Mathieson
(W. A. C. Mathieson)

H. BEELEY, ESQ., C.B.E.

4

NOTE FOR DEBATE ON PALESTINE BILL

Supply of Arms to the Arab States

The question of the export of arms to the Middle East and of the British Military Missions to Middle Eastern countries was raised in Parliament on the 1st of March by Mr. Warbey on the Motion for the Adjournment. H.M.G.'s reply was given by Mr. McNeil.

Mr. Warbey's case was built up round three main points:

(a) That in the name of impartiality H.M.G. have placed an embargo on the supply of arms to either Jews or Arabs in Palestine and have refused to recognise Hagana as the official Jewish militia and are still sending illegal immigrants to Cyprus; while at the same time we are still helping to create and equip the armies of the neighbouring Arab States.

(b) The Arab States are seeking to get arms into Palestine and are openly preparing for the use of violence against a United Nations Armed Force.

(c) That H.M.G. should place their obligations to the United Nations before their obligation to individual States even though the latter are based on long standing treaties.

In reply Mr. McNeil pointed out

(a) That there was no evidence that arms were being sent into Palestine by the Arab States.

(b) Whatever spokesman of the Arab League may have said the Arab Governments themselves were not yet committed to armed intervention in Palestine against a United Nations Force.

(c) Until the Security Council had reached decision it was futile to argue about a situation which might never arise and we could in any case not take any action to suspend supplies of arms under our treaty engagements on suspicion, hearsay and conjecture.

/Ministers

Ministers have on several occasions made it clear that our commitments to supply military material to the Arab States will be reconsidered if it should appear that this material is being diverted to Palestine.

~~The three States to whom we are supplying military material.~~ It can also be said that we have limited such supplies as we have given to the Governments whom we are by treaty bound to supply i.e. Trans-Jordan, Iraq and Egypt. Each of the Treaties of Alliance provides for close cooperation in mutual defence and these Governments rely upon British supplies for the maintenance of their armed forces in a condition of readiness to meet any threat which may develop to their internal security and their frontiers.

Details of arms supplied were given by the Minister of Defence on the 18th of February and are as follows:

Iraq	-	Aircraft, small quantities of 25 pounder and anti-tank guns, personal weapons, A.A. guns, armoured cars and stores and ammunition for these weapons.
Egypt	-	Small arms ammunition and maintenance requirements, including the purchase of small numbers of rifles, pistols, sub-machine guns and mortars.
Trans-Jordan	-	Day to day maintenance requirements, mainly ammunition and transport, for the Trans-Jordan Army of 6,000 troops, plus certain weapons and equipment which will be required by that Army on the reorganisation made essential by our withdrawal from Palestine in the near future.

(For information only)

This equipment for the reorganisation of the Arab Legion includes 25 pounder guns and six pounder anti-tank guns which are being supplied from Palestine. The High Commission has already drawn attention to the possibility of adverse criticism should this fact come to Jewish ears.

It has now been decided that all arms and ammunition due for delivery to the Levant States, under outstanding orders,

/cannot

6

[redacted]

FORMATION OF JEWISH MILITIA

1. To allow the Commission to recruit and establish a militia in the Jewish State while the Mandatory Power was still responsible for the government of Palestine would mean the co-existence of two distinct authorities in the country at one time, one of them taking steps to implement the United Nations Plan. His Majesty's Government have made it clear that they cannot be associated with steps to implement this plan which would inevitably be forcibly resisted by the Arab population. They have also made it clear, and this has been accepted by the Commission, that they cannot permit an authority other than their own to exercise governmental functions in Palestine before the termination of the Mandate.

2. That the Jews should be permitted to organise a Jewish militia in their State and import arms for it is not even in accordance with the United Nations plan. That plan enjoins the Commission to establish in each State a provisional council of government which shall, within the shortest time possible, recruit an armed militia from the residents of that State sufficient in number to maintain internal order and prevent frontier clashes. There are some 400,000 Arabs in the area designated for the Jewish State and these should presumably be represented in an armed militia recruited from the residents of that State.

3. In the purely Jewish area around Tel-Aviv the Jewish Agency was invited to form a Jewish guard force for watch and ward duties, particularly the suppression of terrorist groups in the Jewish community. The Jewish Agency has so far failed to

/form...

from this force, which they were given permission to do with the view to the maintenance of internal order in an area which could be regarded as purely Jewish.

4. It is the view of His Majesty's Government that peace in Palestine is not likely to be secured by the provision of further armaments to either side. So long as they are in control of Palestine it is their determination to prevent the acquisition of offensive armament by either party.

PALESTINE BILL

DIRECTIVE TO G.O.C.

1. A draft Directive and a draft Administrative Instruction have been sent to our Delegation in New York, to the High Commissioner and to C.i.C., M.E.L.F., for their observations. Observations from New York and from the High Commissioner have been received and the drafts have been adjusted accordingly. The High Commissioner agrees with the drafts.

2. Comments from C.i.C., M.E.L.F., have been examined by a Working Party of the Official Committee on Palestine and their recommendations are to be considered by the Chiefs of Staff at their meeting on 10th March. When the Chiefs of Staff have considered the drafts they will be submitted to the Defence Committee for approval.

3. It is then proposed that the final version of the Directive should be communited to the Palestine Commission for their information. It has always been realized that the Directive might have to be published and it has been drafted with this in view. There is no intention of publishing the Administrative Instruction. No decision has yet been taken whether the Directive should be published after it has been communicated to the Commission and the War Office would wish the Chiefs of Staff to be explicitly consulted on this point before publication.

4. Nothing therefore can be said in the debate about the Directive, except, if pressed, that appropriate instructions will be issued to the G.O.C. regarding his powers and functions in Palestine after the termination of the Mandate.

/These...

These instructions will necessarily depend to some extent on the circumstances prevailing at the time.

ARAB ACTIVITIES IN PALESTINE

1. Charges of partiality

There is no distinction drawn between Jew and Arab by the security forces in their action to suppress offensive measures taken by armed bands of either community. It is not our policy to remove from the inhabitants of Palestine those weapons which can be regarded as necessary for their own defence on our departure. No searches for arms are being carried out, but where it is clear that arms have been, or are likely to be, used for offensive purposes the security forces, in the exercise of their impartial duty, confiscate such weapons.

2. Invasion of Arab bands

(a) Between 29th November 1947 and 3rd March 1948 it is estimated that armed Arab bands totalling over 5,000 men have crossed the frontiers of Palestine. A number of these have since returned to the countries from which they came after having been repulsed by our security forces. There have been several brisk engagements between our forces and armed bands attempting to attack Jewish settlements in Northern Palestine. Our action has been successful in saving these settlements from extinction.

(b) The countries from which these bands have come are Syria, Lebanon and Transjordan, although in the latter case it is thought that the forces in question merely pass through Transjordan from Syria. The bands which remain in Palestine have dispersed into the hills and villages and it is impossible to get a reliable estimate of the numbers in each group or to say with certainty

/under...

under whose orders they operate.

(c) The security forces in Palestine take all possible steps to prevent such incursions but owing to the nature of the frontier it is not always possible to ensure continuous control over all possible points of entry. Bridges over the Jordan have been obstructed by the Palestine Government to prevent their use and all main routes over the frontier are being watched by our security forces.

(d) His Majesty's representatives in Syria, Lebanon and Transjordan have left the Governments to which they are accredited in no doubt of the serious view which His Majesty's Government take of these incursions from their territories into Palestine.

(e) For security reasons it is obviously not possible to disclose the exact disposition of our security forces or their strength at any certain point.

(f) A separate note is being prepared on the supply of arms to Arab States.

Assets and Liabilities.

The attitude adopted by His Majesty's Government vis-à-vis the United Nations Commission on the question of disposal of assets is summarised as follows:-

His Majesty's Government assume that after the 15th May the Palestine Commission will be exercising the functions of Government in Palestine. The Commission's only title to do this will be the Assembly Resolution which might or might not constitute an unassailable legal title. On withdrawal the Mandatory Administration will take what steps it can to hand over the assets of the Government of Palestine and to provide for the meeting of that Government's obligations. The Commission will in the circumstances contemplated be the effective authority in Palestine and therefore the Mandatory power will negotiate with the Commission on the matter.

2. It is contemplated that an overall financial agreement will be negotiated with the Commission covering the question of the transfer of assets of the Palestine Government and the acceptance of the liabilities properly incurred by that Government. In these negotiations it will be the aim to secure that surrender of assets is conditional upon the acceptance of liabilities. Immovable assets in Palestine will in any event have to be left to the successor authorities in the areas where they are situated and arrangements will be made before our departure from Palestine to hand over to the Commission as trustee for the ultimate government or governments in Palestine all stores and other movable property belonging to the Palestine Government. As regards finances Palestine revenues are declining owing to the security situation and future uncertainty and the liabilities falling to be met at or before the termination of the Mandate are likely to exceed the liquid balances available. These liabilities include the cost of the Cyprus camps which is estimated to be in the neighbourhood of LP.3,000,000 up to the 15th May and part at least of the cost of paying benefits due to Palestine Civil Servants on termination of their service under

/the

the Palestine Government. As has been previously made clear, His Majesty's Government regard the cost of the Cyprus camps as a proper liability of the Palestine Government. It has, however, not yet been decided whether any expenditure on account of the camps in respect of the period after the 15th May should be treated as recoverable from Palestine revenues. If this point is raised, it is suggested that the answer should be that that is a matter which would be covered in the financial negotiations with the Commission.

Certain of the proper liabilities of the Palestine Government will fall to be met in this country e.g. the payment of leave salaries and retirement benefits of British staff of the Palestine Government who have been withdrawn to this country, of amounts due under contracts for the supply of stores to the Palestine Government, and of amounts due to the Ministry of Food for procurement of food supplies for Palestine. On the other hand certain liquid and other assets of the Palestine Government are held here e.g. monies invested by the Crown Agents on behalf of the Palestine Government. It is the intention to cover the question of meeting these liabilities and the disposal of this property in our negotiations with the United Nations Commission. All these matters can be covered by an appropriate Order in Council under clause 3(4)(a) of the Bill. // It is clear that pending the outcome of the negotiations with the United Nations Commission and in the present uncertainty in regard to future developments in Palestine, it is quite impossible to forecast with any accuracy the steps which it may be necessary to take under the powers provided by this clause, and it is therefore necessary that the provisions of the clause should be sufficiently wide to cater for such eventualities as may arise. It has been already been decided that the powers should be used for the following specific purposes.

In the first place the clause in question will enable us to transfer to the Custodian of Enemy Property in the United

/Kingdom

NOTE FOR DEBATE ON PALESTINE BILL

Transfer of responsibility to local authorities

The Government of Palestine are doing their utmost to facilitate the operation of essential services by local authorities after the 15th of May, and as the present financial resources of these authorities fall below the costs of maintaining such services even in elementary form, a law has now been prepared transferring from the Central Government to municipal and other local authorities the task of collecting urban and rural property taxes. It is intended that local authorities should assume this duty on the 1st of April.

Municipal Police Forces are being formed in Jaffa and in eighteen other medium sized Arab towns; a country-wide scheme for the enrolment of armed Special Constables to police Arab villages is being initiated. These Forces will be part of the Palestine Police Force until transfer to local authorities.

Certain water supplies have been already handed to local authorities for custody and operation. Arrangements are also being made to transfer responsibility for social welfare and remand homes. Plans for handing over Arab schools to the management of local authorities are in train. It is hoped to supply a six months stock of drugs and dressings to treatment centres and to persuade medical practitioners to maintain these centres. The Government farm is to be maintained by Acre Municipality.

SECRETARY OF STATE.

The following are additional notes on certain provisions of the Palestine Bill:-

CLAUSE 1 (1).

This does not give the military any powers, but is merely a saving clause.

Clause 1 takes away His Majesty's jurisdiction in Palestine; but after the 15th May, we of course have to preserve the jurisdiction, for example over the troops in respect of discipline and the powers of the Army Council over the troops. This is all that Clause 1(2) does.

CLAUSE 2 (2).

The indemnity given by this is undoubtedly wide, but we are in the position of not knowing what acts may be necessary in the increasing disorder in Palestine up to May 15th. After May 15th, the position is still more uncertain, when the troops may well be fighting a rearguard action in a foreign country. The actual wording of the indemnity is taken for the most part from the Indemnity Act, 1920, passed after the 1914 - 1918 war. It admits of no exemptions so long as the acts are done in good faith and in the execution of duty for the purposes stated in the Clause. Examples of how it may work are as follows:-

(1) Before the 15th May, the Civil Government may have to perform various functions for quelling disorder or for winding up affairs (for example, removing records to a safe place, or the custody of prisoners or lunatics) not fully authorised by law.

(2) After May 15th, the indemnity is limited to the acts of the Forces, for securing their withdrawal.

(3) The acts covered will of course almost entirely

/be

be within Palestine, but it is possible that an act might be committed outside Palestine - for example an order by the G.O.C., Middle East given to the Military during the process of withdrawal.

The exception for proceedings on behalf of His Majesty would allow for example, criminal proceedings to be taken against any soldier in an appropriate court if he had abused his authority and committed a crime.

2. 3. [illegible]

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E. 2760/8/31

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15

1948

PALESTINE

E 2775

28 FEB 1948

Registry Number	E 2775/8/31
FROM	FO Minute
No.	M'Reich
Dated	25 Feb.
Received in Registry	28.

Disposal of Troops at Haifa.
Enclosure text of draft reply to General Meyer's telegram MDM/1015 of Feb 21 (E2126/8/31) for FO. concurrence. with regard to policy to be adopted re sale of Troops in Haifa to both Arabs and Jews.

Last Paper.
2760

References.

(Minutes.)

Sir P.P. to see FO Minute
– FO. Minute M'Reich 26/2

JB Feb. 28

Sir P.P. why/Defence let DEF 768 to HQ. Troops. Palestine 27/2

JB Mar. 4

(Print.)

(How disposed of.)

(Action completed.)	(Index.)
[illegible]	[illegible]

Next Paper.
2795

26513 F.O.P.

16

Disposal of Jeeps at Haifa.

The Ministry of Defence have communicated for Foreign Office concurrence the following draft reply to General Hewer's telegram ADM/1015 of February 21st on this subject:-

"In view of the circumstances you have explained, Ministers agree that jeeps may all be sold in Haifa area. Assume the suggestion in your paragraph 4 does not mean giving Arabs the first refusal which would be contrary to the policy of H.M.G. All bona fide purchasers should be given an absolutely equal opportunity to purchase all the jeeps".

Eastern Department suggest that the phrasing of this telegram is insufficiently clear and that, in order to establish the greatest possible impartiality between Jews and Arabs in conducting this disposal, our instructions might better run as follows:-

"In view of the circumstances you have explained, Ministers agree that jeeps may all be sold in Haifa area. The following procedure should be substituted for that suggested in paragraph 4 of your telegram under reference. You should inform the Arab Higher Committee & the Jewish Agency of the date and details of the sale in advance and should split the jeeps into two or more lots, so that an advantage should not be given to the bulk purchaser. All bona fide bidders should have an equal opportunity to purchase any of the lots".

R. J. Beith
(BEITH)
25th February, 1948.

B.A.B. Burrows
25.2

Greece is so short of jeeps for Greek fighting that we think we might split the lot there

(15094) Wt. 14147-D22 20m 6/47 G.S.St.

E17

TOP SECRET CYPHER TELEGRAM

WARNING The text of this message must be thoroughly paraphrased if it is to be published or otherwise communicated to persons outside the British or U.S. Government Service. If re-transmitted unparaphrased, the originator must mark it to be sent in "O.T.P." (One-Time Pad).

PW

INDEXED

OZ 558
TOO 271855Z
TOD 271940

Ezm / 1 / 1
-2 MAR 1948

IMMEDIATE

From : MINISTRY OF DEFENCE, LONDON

To : H.Q. BRITISH TROOPS PALESTINE

DEF 768 27th February, 1948

Your ADM/1015 February 21st.

From Parker

For Hewer

1. In view of circumstances you have explained Ministers agree jeeps may all be sold in Haifa area.

2. Assume suggestion in your para. 4 does not mean giving Arabs first refusal which would be contrary to policy of H.M.G. All bona fide purchasers should be given absolutely equal opportunity to purchase all the jeeps, and therefore every care should be taken to give Jews and Arabs equal opportunity.

TOO 271855Z

CIRCULATION

D.C.O.R.
Foreign Office
First Sea Lord
Message Control, W.O.
Registry Telegrams, A.M.
Chief of Combined Ops Staff
Chancellor of the Exchequer
Secretary of State for Colonies
Minister of Supply

92

E

1948

PALESTINE

E 2795 18

MAR 1948

Registry Number E2795/8/31

FROM O V Alexander

No. Min of Defence

Dated & 29th March

Received in Registry 26 Feb 1 Mar

Disposal of Troops at Haifa.

also looked into suggesting that some of the troops now available in Palestine should be sent to Greece.

I am only drawing attention to front page of 10N/1015 of 21/2 (E2126/8/31)

Last Paper.

2795

References.

(Minutes.)

In P.P. F.O. minute I Henniker 26/2

Mr Beith Mar. 1st

HB 3/3

(Print.)

(How disposed of.)

(Action completed.)

(Index.)

Next Paper.

2982

26513 F.O.P.

19

E

Disposal of Jeeps in Palestine

The Secretary of State discussed this matter with the Minister of Defence this evening and agreed that the Minister of Defence should send a telegram to General Hewer agreeing to the sale of the jeeps in Palestine, on condition that it was made absolutely certain that the sale was open, and that Jews and Arabs would be treated in exactly the same way.

Joe Hinchliffe

26th February, 1948.

20

Disposal of Jews in Palestine

The Secretary of State discussed this matter with the Minister of Defence with [illegible] the Minister of [illegible] and the Secretary to Cabinet. [illegible] of the text of the proposed [illegible] to Cabinet [illegible] that the only [illegible] would be [illegible] in [illegible] way.

26th February, 1948.

E 2795

21

1 MAR 1948

OFFICE OF THE MINISTER OF DEFENCE
Great George Street,
London, S.W.1.

26th February, 1948.

Secret and Personal

Dear Ernest,

I have looked into your suggestion that some of the Jeeps now available for disposal in Palestine should be sent to Greece.

I don't think I can do better than draw your attention to the first paragraph of Hewer's signal ADM/1015 of 21st February, of which a copy has already been sent to your office. The essential words are:-

"Jeeps have been for many months in one park. They are all unserviceable and very few are even tow-able. To move say half of them would use up considerable effort which should be maintained as at present on evacuation work. To use transporters for this purpose would be highly uneconomic."

Yours sincerely,

A. Alexander

The Right Honourable Ernest Bevin, M.P.

(15094) Wt. 14147-D82 20m 8/47 G.S.St.

TOP SECRET CYPHER TELEGRAM

✓22

WARNING The text of this message must be thoroughly paraphrased if it is to be published or otherwise communicated to persons outside the British or U.S. Government Service. If re-transmitted unparaphrased, the originator must mark it to be sent in "O.T.P." (One-Time Pad).

IZ 551
TOO 211315B
(211115Z)
TOR 221018Z

INDEXED

IMMEDIATE

From : H.Q. British Troops, Palestine

To : Ministry of Defence, London

ADM/1015 E 21st February, 1948.

Your DEF 747 17th February.

From Hewer.

For Sir Harold Parker.

1. Must point out difficulties in carrying out your instructions. Jeeps have been for many months in one park. They are all unserviceable and very few are even tow-able. To move say half of them would use up considerable effort which should be maintained as at present on evacuation work. To use transporters for this purpose would be highly uneconomic.

2. Haifa area where Jeeps are located is the the only locality where Jews and Arabs work together and Arabs are as likely to buy them there as anywhere else. Am however sure that they will not buy them anywhere.

3. In view of your decision that no ban is placed on sale of Jeeps Palestine Government do not object to sale in(at?) one place.

4. Suggest that in view of position as explained above Arab Higher Committee are given seven days to make offer and if no offer submitted should be sold to highest bidder on present site.

5. Palestine Government have agreed this signal.

CIRCULATION

TOO 211315B

D.C.O.R.
Foreign Office
First Sea Lord
Message Control W.O.
Registry Telegrams A.M.
Chief of Combined Operations Staff
Chancellor of the Exchequer
Secretary of State for Colonies
Minister of Supply

E

E 2982

4 MAR 1948

23

1948

PALESTINE

Registry Number E2982/8/31

FROM

W.O. Mathieson

No. P.O.

Dated 15 Mar 48

Received in Registry } H. Bailey Mar 2. – 4

Palestine Bill.

We are now considering preparation of material for a Brief for the Lord for the second reading of the Palestine Bill on the Tuesday or Wed of 10 March. Question of HMG right to lay down the Mandate will probably arise.

Note for Instalment of the doctrine on our entitlement to direct prejudice of mandatory responsibility in Palestine.

Last Paper.

2795

References.

(Minutes.)

D. Belfour 4/3

Letter to Mr Mathieson

HB. 5/3

(Print.)

(How disposed of.)

Capt. W.D.Y. Mathieson exchange from PO E2982/8/31 from H Bailey

Mar. 5

(Action completed.)

(Index.)

Next Paper.

3029

IMPORTANT

Ends
E 24

The Church House,
Gt. Smith Street,
London, S.W. 1.

My Reference 75872/154/17.

March 2, 1948.

Your Reference .....

E 2982

4 MAR 1948

My dear Beeley,

We are now considering the preparation of material for a Brief for the Secretary of State for the Second Reading of the Palestine Bill in the House of Commons on the 10th March. One question which I feel is bound to arise is the right of HMG to lay down the Mandate for Palestine even though there is no immediately apparent successor authority to take over the government. We have of course the Assembly resolution approving the relinquishment of the Mandate by HMG but it may be that the course of discussion in the Security Council will invalidate that resolution even for the purposes for which we should wish to use it. I seem to recollect that at the time of the General Assembly discussion on the JNSCOP Report a doctrine was elaborated by Beckett in New York to the effect that we were perfectly entitled to lay down the Mandate at any time on the ground that it was an unworkable instrument.

It will be very helpful if you could let us have a restatement of the doctrine on our entitlement to divest ourselves of mandatory responsibility in Palestine.

Yours ever,

W.A.C. Mathieson

(W.A.C. Mathieson)

H. BEELEY, ESQ., CBE.

IMPORTANT

The Church House,
Gt. Smith Street,
London, S.W. 1.

Ends
E 24

My Reference 75872/154/17.

March 2, 1948.

E 2982

Your Reference .....

4 MAR 1948

My dear Beeley,

We are now considering the preparation of material for a Brief for the Secretary of State for the Second Reading of the Palestine Bill in the House of Commons on the 10th March. One question which I feel is bound to arise is the right of HMG to lay down the Mandate for Palestine even though there is no immediately apparent successor authority to take over the government. We have of course the Assembly resolution approving the relinquishment of the Mandate by HMG but it may be that the course of discussion in the Security Council will invalidate that resolution even for the purposes for which we should wish to use it. I seem to recollect that at the time of the General Assembly discussion on the UNSCOP Report a doctrine was elaborated by Beckett in New York to the effect that we were perfectly entitled to lay down the Mandate at any time on the ground that it was an unworkable instrument.

It will be very helpful if you could let us have a restatement of the doctrine on our entitlement to divest ourselves of mandatory responsibility in Palestine.

Yours ever,

W A C Mathieson

(W.A.C. Mathieson)

H. BEELEY, ESQ., CBE.

25

FOREIGN OFFICE, S.W.1.

5th March, 1948.

My dear Mathieson,

May I refer you to your letter No.75872/154/17 of the 2nd March, on the subject of our title to divest ourselves of mandatory responsibility in Palestine.

You may be interested to see the enclosed ~~exchange of~~ minutes which Beckett and I exchanged in New York last October. The first seven paragraphs of Beckett's minute are relevant to your question.

E2928/4/31

I am also enclosing a copy of a document we have just received from the Delegation in New York. The last sentence of paragraph 5 is of interest.

(Signed) H. Beeley.

W.A.C.Mathieson,Esq.,
Colonial Office.

1948

E

PALESTINE

E. 3030

5 MAR 1948

26

Number E 3030/5/31

TELEGRAM FROM

No. Lord Halifax

Dated Washington

Received in Registry 1040 4 Mar 5 —

Instructions issued (E 3029). Instructions
Refer to Tel 1059 (E 3029/5/31) Telegrams between
Mr Hak 10 and Jerusalem, show that some
at least of recent goods by Arab Pioneer are
fabrications, therefore it seems extremely improbable
that document in question exists. But would be
grateful for confirmation of this.

Last Paper.

1029

References.

(Minutes.)

Para 1 calls for a reply.

D. Belfan 6/3

Draft submitted. (C.O. consulted before drafting).

H. Beeley 6/3

(Print.)

Now please see the S. of S.'s minute
below. I venture to think
that we might still give HM
Embassy discretion to issue a
denial if they think it desirable.

B.A.B. Burrows
8.3

MTC
8.3

Private Secretary

(How disposed of.)

8, Mathieson 80
Sherman Bob Off
Scherr M11
Admty
A.M.
M.I.Pa
MOC
Mar 6.
W'N an
Tel. ~~Hak~~ 2777
10. Mar
8, as above Mar 11

(Action completed.) 12/3

(Index)

Next Paper.

Now see Jerusalem telegram No.560 attached and revised draft to Washington. This draft has not been discussed with the Colonial Office, and I understand from the Ministry of Defence that Mr. Alexander is taking an interest in the two telegrams from Washington/

30471 F.O.P

3080

Washington and would like to see our answer before it is sent.

H Beeley
8th March, 1948.

Tel. sent.

H.B. 10/3

Eastern Dept.

27

Please see S/S's minute:
"I should not deny — but was such a document issued at all? Give me full report."

Cypher/OTP

DIPLOMATIC

FROM WASHINGTON TO FOREIGN OFFICE

Ca/CA.
6/3.

Lord Inverchapel
No. 1040
4th March, 1948

D. 9.05 p.m. 4th March, 1948
R. 2.16 a.m. 5th March, 1948

Repeated to United Kingdom Delegation New York
Jerusalem

IMPORTANT
CONFIDENTIAL

Addressed to Foreign Office telegram No. 1040 of March 4th repeated for information to United Kingdom Delegation New York and Jerusalem.

Palestine.

My immediately preceding telegram.

It seems extremely improbable that document in question exists, since telegrams exchanged between United Kingdom Delegation New York, Foreign Office and Jerusalem show that some at least of points mentioned are fabrications. But I should be grateful for confirmation that this is so.

2. Pearson is of course very unreliable. But he is widely read and as you know has in the past secured secret documents such, for example, as the Morrison-Grady report.

3. United Kingdom Delegation New York inform me that present story has not (repeat not) given rise to much comment and they are playing it down. They are reluctant to get involved in official denials unless you think it really necessary, since these are unlikely to improve matters.

Foreign Office please pass important to Jerusalem as my telegram No. 27.

[Copy sent to Telegraph Section Colonial Office for repetition to Jerusalem.]

888

I should not deny but was such a document issued at all? Give me full report.

Registry No.

~~Top Secret.~~
~~Secret.~~
Confidential.
~~Restricted.~~
~~Open.~~

HB

March, 1948. 28

F.O.,

194 .

Despatched *M.*

Draft.

WASHINGTON

Telegram.

No......

(Date) .....

Repeat to :—

U.K. Delegation, New York

Jerusalem

H Beeley 4/3

B A Robertson 8/3

~~*En Clair.*~~
~~*Code.*~~
Cypher. MRD 8.3

Private Secretary

Distribution :—

Diplomatic

Copies to :—

Important
Confidential

Addressed to Washington Telno. of
Repeated to U.K. Delegation New York
Jerusalem

Your telegrams No.1039 and No.1040 [of 4th March : Palestine].

We ~~should~~ of course do not send instructions to Palestine from this Office. The Colonial Office inform us that they have not issued any document remotely resembling that described by Drew Pearson, and that most of the alleged excerpts do not (repeat not) correspond to any ~~the~~ instructions actually issued.

2. With ref. to ~~We do not altogether understand~~ the last sentence of your telegram No.1040 ~~There may be technical objections, from a public information standpoint, to issuing an official denial. But~~ we see no reason why you should not ~~deny the authenticity of the alleged document~~ let the above be known (without issuing formal denial) if it is still arousing any interest. ~~In so doing~~ If you do so you may care to direct attention to the curious assumption made by Drew Pearson that the Jews are to take over responsibility for Palestine on the 15th May.

NOTHING TO BE WRITTEN IN THIS MARGIN.

(33654) Wt.14696/147 100,000 6/47 A.A.E.W.Ltd. Gp.685

OUT FILE

Registry
No. E 3030/8/31

March, 1948

29

Top Secret.
Secret.
Confidential.
Restricted.
Open.

HB

CYPHER

F.O.,

Despatched

M.

Draft.

Important
Confidential

Washington

Telegram.

No. 2737

(*Date*) March 10th

Repeat to :—

U.K. Del.
New York

Jerusalem

For C's convenience

H. Beeley 9/3

D. Fitzmaurice

~~*En Clair.*~~
~~*Code.*~~
Cypher. 9.3

Mitchell 9.3

Distribution :—

Diplomatic

Copies to :—

Addressed to Washington Telno. 2737 of March 10th

Repeated for information to U.K. Delegation New York & Jerusalem

Your telegrams No.1039 and No.1040 [of 4th March : Palestine].

You will now have received Jerusalem telegram No.153 to you, which explains the origin of the document which has come into Drew Pearson's possession.

2. If further questions are asked on this subject, you should first make it clear that no instructions of this character have been sent to Palestine by H.M. Government. If pressed further, you may at your discretion make use of the information in the High Commissioner's telegram.

NOTHING TO BE WRITTEN IN THIS MARGIN.

(33654) Wt.14696/147 100,000 6/47 A.& E.W.Ltd. Gp.685

12.55P

30

Cypher/OTP.

E.3030/8/51.

DIPLOMATIC

FROM FOREIGN OFFICE TO WASHINGTON

No.2737

D. 3.25 p.m. 10th March, 1948.

10th March, 1948.

Repeated to New York (U.K.Delegation) No.1071
Jerusalem.

IMPORTANT.

CONFIDENTIAL.

Addressed to Washington telegram No.2737 of 10th March, repeated for information to United Kingdom Delegation New York and Jerusalem.

Your telegrams No.1039 and No.1040 [of 4th March: Palestine].

You will now have received Jerusalem telegram No.155 to you, which explains the origin of the document which has come into Drew Pearson's possession.

2. If further questions are asked on this subject, you should first make it clear that no instructions of this character have been sent to Palestine by His Majesty's Government. If pressed further, you may at your discretion make use of the information in the High Commissioner's telegram.

- - - - -

INWARD TELEGRAM

B1
P.W.

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher (O.T.P.)

E1070/8/31

INDEXED

FROM PALESTINE (Gen. Sir A. Cunningham)

D. 6th March, 1948.
R. 6th " " 19.20 hrs.

IMMEDIATE

No. 560 Secret.

Addressed Washington No.153 (Please pass to UKDEL as my No.594)
Repeated to S. of S.

Your telegrams to Foreign Office No.1039 and No.1040.

Document is obviously a reproduction with certain inaccuracies, of a secret paper prepared here by Commissioner of Special Duty as preliminary survey of action which might be (? decided) by the Government Departments should no successor authority, e.g. the Palestine Commission, emerge, in which event British withdrawal would have left Governmental and administrative vacuum. It should be particularly stressed that the document was prepared for issue to Heads of Departments before U.N. decisoon of 29th November. There has previously been a leakage here to local Arab press which published gist of the paper.

2. Scheme is, of course, not operative now that the intention is to hand over to the Palestine Commission.

Copies sent to:-
Foreign Office - Mr. H. Beeley
Min. of Defence - Mr. A.J. Newling

1948

E

PALESTINE

E 3029

5 MAR 1948

Registry Number E 3029/3/31

TELEGRAM FROM

No. Lord Inverchapel

Dated Washington

Received in Registry 1039 4 Mar 5 –

Unofficial Instructions from H.M.G.

Text of extract from Drew Pearson's newspaper column of March 4. states that F.O. has issued 32 page memo plan to British Approach on Palestine entitling ship on unofficial. Also states that he has been able to get hold of a copy of this document and sets out brief outline from unofficial contained therein.

States that document bears all earmarks of deliberately trying to wreck chances in Palestine after British leave.

Last Paper.

2982

References.

(Print.)

(How disposed of.)

8 Matheson C1
1 Herman Cob Off
Scherr M15
M.1.3a
M04
Admty
Air on E 3030
March

(Action completed.)

(Index)

Next Paper.

3030

(Minutes.)

Now see E 3030 for Washington comments.

D. Balfour 6/3

HB. 11/3

Imp. P. Pkins Ad 560 6/3

This tel. from Palestine to Washington shows that Drew Pearson has got hold of a real document. But it is only a provisional draft plan made before the UNO dated on partition in Nov 29th and never made operative.

D. Balfour 12/3

Action taken on E 3030.

HB. 12/3

30471 F.O.P.

E 3029

33

En clair

5 MAR 1948 TYPICAL.

FROM WASHINGTON TO FOREIGN OFFICE.

Lord Inverchapel.
No. 1039. D. 7.58 p.m. 4th February, 1948.

4th March, 1948. R. 3.00 a.m. 5th February, 1948.
Repeated to U.K. Delegation New York and Jerusalem.

IMPORTANT.

Addressed to Foreign Office telegram No. 1039 of March 4th, repeated to U.K. Delegation New York and Jerusalem.

Palestine.

Following is extract from Drew Pearson's newspaper column of 4th March.

[Begins].

The British Foreign Office has just sent a 32 page top secret master plan to British officials in Palestine instructing them on withdrawal from that country. A copy also has been sent to Sir Alexander Cadogan British representative at the United Nations.

This column has been able to obtain a copy of this confidential document and it bears all the earmarks of deliberately trying to inspire chaos in Palestine after the British leave.

Instead of turning over British equipment such as arms and armoured cars to the Jews, who will be entrusted with governing the country and preserving order, this equipment is ordered [? omission] destroyed or sold.

The British have now been in Palestine for thirty years but as they leave not one shred of co-operation is being passed on to the Jews who take over May 16th. Here is one brief exert from the secret British instructions to officials in Palestine:

(1) All files are to be destroyed:

(2) All revenue and postage stamps and stamping machines are to be destroyed:

(3) Livestock on experimental farms is to be sold:

(4) Vital parts are to be removed in order to immobilize radio transmitters:

(5) Postal orders and money orders to be destroyed:

(6) Unissued currency notes to be destroyed:

/(7) Trucks to be

(7) Trucks to be auctioned just before final withdrawal:

(8) Arms held by Palestine Police to be sold to the individuals involved:

(9) Armoured cars to be destroyed, horses of Palestine police and Camels to be offered to the riders at reasonable prices:

(10) Jerusalem and Bethlehem jails to be emptied before the departure to Haifa:

(11) "criminal lunatics - first redistribute so that when enlarged (released) they are in the midst of their own population that is, Arabs among Arabs, and Jews among Jews":

(12) All plans and field records to be shipped in thirty steel cabinets to the United Kingdom pending transfer to a successor.

Thus ends in futility and recrimination the tragic thirty year chapter of the British Mandate over Palestine.

[Ends].

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher (O.T.P.)

E3029/8 B 71

10 MAR 1948

FROM PALESTINE (Gen. Sir A. Cunningham)

D. 6th March, 1948.
R. 6th " " 19.20 hrs.

INDEXED

IMMEDIATE

No. 560 Secret.

Addressed Washington No.153 (Please pass to UKDEL as my No.594)
Repeated to S. of S.

Your telegrams to Foreign Office No.1039 and No.1040.

Document is obviously a reproduction with certain inaccuracies, of a secret paper prepared here by Commissioner of Special Duty as preliminary survey of action which might be (? decided) by the Government Departments should no successor authority, e.g. the Palestine Commission, emerge, in which event British withdrawal would have left Governmental and administrative vacuum. It should be particularly stressed that the document was prepared for issue to Heads of Departments before U.N. decisoon of 29th November. There has previously been a leakage here to local Arab press which published gist of the paper.

2. Scheme is, of course, not operative now that the intention is to hand over to the Palestine Commission.

PUBLIC RECORD OFFICE

Group F.O.

Class 371

Piece 68616

Following document(s)*

~~retained in the Department of origin.*~~

transferred to PRO Safe Room*

E.3080/8/51

and closed until 1999

*delete as necessary

1948

E

PALESTINE

E 3124

8 MAR 1948

35

Registry Number	E3124/8/31
FROM	Mr Cruikshank My, of Supply
No.	to Mr Beeley
Dated	4, Mar
Received in Registry	8, Mar

Disposal of British Stores in Palestine, to Jews.

Encloses copy of telegram received from British Stores Disposal board in Cairo. stating that proposals are being made on behalf of Jewish Central Purchasing Agency, for bulk purchase of camps and stores.
Ministry of Supply are in favour of selling this way, and suggest a meeting be held on monday 8th Mar to discuss the whole matter.

Last Paper.

E 3080

References.

(Print.)

(How disposed of.)

(Minutes.)

I went to this meeting.
See Cairo tel. to WO. No. 441/FAD, attached, and separate minute

AB Mar. 9

(Action completed.)	(Index.)
[illegible]	[illegible] 25/6/48

Next Paper.

(3290)

Entered from plans

36

MINISTRY OF SUPPLY,
Great Westminster House,
MILLBANK,
S.W.1

4th March, 1948.

Victoria 3811,
Ext. 384.

E 3124
3 MAR 1948

Dear Beeley,

I enclose a copy of a secret telegram which has been received from the British Stores Disposal Mission in Cairo.

We are much in favour of selling in bulk in this way to this particular agency as the only method of ensuring a speedy sale at reasonable prices; and if a similar well-founded purchasing agency on the Arab side existed or could be speedily formed, we would be prepared to deal with it on similar lines.

I imagine, however, you will want to examine if disposal in this way is likely to cut across decisions on policy affecting the politics and security of the area, but in considering this, I feel sure you will have in mind that a rejection of the offer to negotiate may lead to the eventual abandonment of the stores.

In view of the time factor, I propose to hold a meeting here on Monday afternoon the 8th inst., at 3 p.m. when the interested Departments could meet to discuss the whole matter and agreed decisions could be cabled out to Powers. I should be greatly obliged if you could come or be represented.

Yours sincerely,

H. Beeley, Esq.,
Foreign Office,
Downing Street,
S.W.1.

37

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

Cypher/OTP

S T O W

FROM BRITISH MIDDLE EAST OFFICE CAIRO TO MINISTRY OF SUPPLY.

No. 189 Stow Disme

D. 10.50 a.m. 3rd March 1948
R. 11.15 a.m. 3rd March 1948

3rd March 1948.

IMMEDIATE.
TOP SECRET.

For Jenkins from Havers.

Proposals being made on behalf of Jewish Central Purchasing Agency in conjunction with British interests for the bulk purchase of camps in areas defined by Palestine Government together with stores after the needs of our prior users have been met.

2. A similar arrangement would be sought with the Arab interests in suitable areas.

3. From buyers aspect purchase of both sites and stores will give more time for sorting and clearance of stores some of which would be exported when conditions permit.

4. Whilst particularly advantageous way of dealing with British sites from our point of view the arrangement would ensure satisfactory prices for material some of which may otherwise be looted or abandoned. I assume that this would be welcome to you and I consider it an excellent plan. It is supported by Palestine Government and General Hewer.

5. I propose to settle the basic tonnages and prices for residue stores and to sell on these terms if joint project is completed. At present it is linked with similar arrangements for fixed assets, approval for which is being sought from the War Office. Copy of Army Signal 441/FAD being sent to you briefly gives further details.

6. Payment proposed for sites is a deposit in Palestine pounds 20% in dollars and balance in British Government securities. Is there any objection to this method of payment for stores?

7. Suggest you consult Fife Controller of Revenue War Office to whom fixed assets proposals have been referred with a view to joint agreement and instructions.

v v v

1948 | PALESTINE | E 3290 | 11 MAR 1948

Registry Number } E3290/8/31
FROM War Office
No. Commd,
Dated
Received in Registry } 11 Mar.

Disposal of stores in Palestine to Jews.

FIXETS Cairo Tel 441/FAD of 2nd Mar

At request of General Hewer, Hayes met Brigadier Shearer and Colonel Blair Sessions representing purchasing agency who wish to purchase in bulk all H.M. Govt stores, assets, and freehold land in Jewish areas.

Last Paper.
3124

References.

(Print.)

(How disposed of.)
Dpt. Minister of Defence from Mr McNeill 17 Mar.

(Minutes.)

In P.P. FO. Minute Wilberk 9 Mar

See within

B. S. Burrows
Mar 11

Now can draft and augment minute.

LP
13/3

In P.P. FIXETS CAIRO tel 470/FAD 12/3

JB Apr 15

(Action completed.) FO 15/4

(Index) 25/4/49

Next Paper.
3293

26513 F.O.P.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes.

E 39

NEW PROPOSAL FOR BULK SALE

OF STORES AND FIXED ASSETS IN JEWISH AREAS

The Palestine Government, General Hewer representing the Ministry of Defence, and the M.of Supply representative at Cairo, Sir A. ~~[illegible]~~ Havers, have put up a proposal for a bulk sale, the details of which will be found in the attached telegram No. 441/FAD to the War Office.

I understand that this deal would bring us in approximately eight million pounds (six million for installations and two million for stores). The deal would comprise the majority of the non-military stores to be disposed of in Palestine, and the other interested Departments, namely, the War Office, the Ministry of Supply, and the Colonial Office are in favour of it and claim that it is our one chance of getting an adequate sum of money for what we are leaving behind. Their general view is that if we attempt to sell these installations and stores piecemeal by asking for tenders we shall waste valuable time, and the bulk of the stores will be looted.

Nevertheless, the scheme presents certain political difficulties. It is no doubt true that the Jews are the only people who would consider a bulk deal of this magnitude, and that even if each camp was separately tendered for, the great majority would still go to the Jews. It could, however, be argued that by concluding a bulk deal of this kind we are not giving the Arabs a chance to purchase

/some

some of the installations they otherwise would wish to.

There is also the question of title to the land on which the various camps are situated. This is rather glossed over in the attached telegram. We unfortunately have no details of the camps and installations which are in question, but I understand that they can be split up into three classes as regards title:-

(a) Jewish land;

(b) land owned entirely or partly by Arabs;

(c) land for which the title has been transferred to His Majesty's Government.

There are obvious difficulties about including the installations on land falling under categories (b) and (c) in the present bulk deal. The Government of Palestine show that they have recognised these difficulties by the various limitations they have placed on the scheme:-

(1) the scheme is restricted to "Jewish areas", i.e., Zone 'B' and the Free Zone established by the Land Transfers Regulations, 1940, with the possible exception of Sarafand which is situated in Zone 'A';

(2) certain assets of "major political importance" are to be put out to open tender (see paragraph 6 of attached telegram);

(3) we should not transfer our "re-instatement liabilities" on Arab land to the Central Purchasing Agency, except by amicable

/agreement

agreement with the land owners. I understand that our "reinstatement liability" means the liability to return the land freed of the installations and stores which have been placed on it.

I attach at the back of this file a map which shows the Zones established by the Land Transfers Regulations, 1940, which gives an idea of the relationship of the present proposal to these Regulations. I would point out that Zone 'B' is the area wherein transfer of land by a Palestinian Arab, save to a Palestinian Arab, is prohibited except in special circumstances. It would seem quite possible that certain of the camps which it is now proposed to include in the bulk deal are situated on ground partly or wholly owned by Arabs. The Palestinian Government propose to get over this difficulty by insisting that His Majesty's Government retain a reinstatement liability, as explained above. But I do not see how we shall be in a position to carry out this liability after May 15th, or at the latest August 1st.

To sum up this complicated question, which is made all the more difficult owing to the fact that the exact details of the camps and stores in question are not apparently available in London, I would make the following recommendations:-

i. the Foreign Office see no objection in principle to a bulk deal of this kind, subject to the limitations expressed in the Cairo telegram, and to the further limitations suggested below;

/ii.

ii. the Foreign Office are not satisfied that the reservation made by the Palestinian Government in Paragraph 8 of the Cairo telegram satisfactorily meets the political difficulties in regard to British- and Arab-owned land. We must insist on some other formula safeguarding possible Arab interests than the mere retention of His Majesty's Government's "reinstatement liability";

iii. there can be no question of Sarafand, which is in Zone 'A', being included in the bulk deal. I assume that Sarafand El Amar is meant because Sarafand El Kharab is in Zone 'B'.

There is no quarrel with the present proposal on the ground that it might be held to imply an implementation of the Partition Plan by us. In so far as the proposal is based on any principle, it is based upon the Land Transfers Regulations, and not the boundaries of the Partition Plan. Moreover, it will be noted from paragraph 12 of the Cairo telegram that the High Commissioner would contemplate a similar arrangement in Arab areas if a suitable Arab organisation could be found.

N. S. Beith
Mar. 9
(BEITH)

I agree

R. Bailey 9/3

41

New Proposal for Bulk Sale of
Stores and Fixed Assets in Jewish Areas.

The Palestine Government, General Hewer representing the Ministry of Defence, and the Ministry of Supply Representative at Cairo, Sir A. Havers, have put up a proposal for a bulk sale, the details of which will be found in the attached telegram No.441/FAD to the War Office.

Flag K

I understand that this deal would bring us in approximately eight million pounds (six million for installations and two million for stores). The deal would comprise the majority of the non-military stores to be disposed of in Palestine, and the other interested Departments, namely, the War Office, the Ministry of Supply and the Colonial Office are in favour of it and claim that it is our one chance of getting an adequate sum of money for what we are leaving behind. Their general view is that if we attempt to sell these installations and stores piecemeal by asking for tenders we shall waste valuable time, and the bulk of the stores will be looted.

Nevertheless, the scheme presents certain political difficulties. It is no doubt true that the Jews are the only people who would consider a bulk deal of this magnitude, and that even if each camp was separately tendered for, the great majority would still go to the Jews. It could, however, be argued that by concluding a bulk deal of this kind we are not giving the Arabs a chance to purchase some of the installations they otherwise would wish to.

There is also the question of title to the land on which the various camps are situated. This is rather glossed over in the attached telegram. We unfortunately have no details of the camps and installations which are in question, but I understand that they can be split up into three classes as regards title:-

(a)/

(a) Jewish land;

(b) land owned entirely or partly by Arabs;

(c) land for which the title has been transferred to His Majesty's Government.

There are obvious difficulties about including the installations on land falling under categories (b) and (c) in the present bulk deal. The Government of Palestine show that they have recognised these difficulties by the various limitations they have placed on the scheme:-

(1) the scheme is restricted to "Jewish areas", i.e., Zone 'B' and the Free Zone established by the Land Transfers Regulations, 1940, with the possible exception of Sarafand which is situated in Zone 'A';

(2) certain assets of "major political importance" are to be put out to open tender (see paragraph 6 of attached telegram);

(3) we should not transfer our "re-instatement liabilities" on Arab land to the Central Purchasing Agency, except by amicable agreement with the land owners. I understand that our "reinstatement liability" means the liability to return the land freed of the installations and stores which have been placed on it.

I attach at the back of this file a map which shows the Zones established by the Land Transfers Regulations, 1940, which gives an idea of the relationship of the present proposal to these Regulations. I would point out that Zone 'B' is the area wherein transfer of land by a Palestinian Arab, save to a Palestinian Arab, is prohibited except in special circumstances. It would seem quite possible that certain of the camps which it is now proposed to include in the bulk deal are situated on ground partly or wholly owned by Arabs. The Palestinian Government propose to get over this difficulty by insisting

that/

that His Majesty's Government retain a reinstatement liability, as explained above. But I do not see how we shall be in a position to carry out this liability after May 15th, or at the latest August 1st (except by the payment of an indemnity)

To sum up this complicated question, which is made all the more difficult owing to the fact that the exact details of the camps and stores in question are not apparently available in London, I would make the following recommendations:-

i. the Foreign Office see no objection in principle to a bulk deal of this kind, subject to the limitations expressed in the Cairo telegram, and to the further limitations suggested below;

ii. the Foreign Office are disturbed by the political implications of selling to Jewish interests installations and stores on Arab land. In default of ~~opinion~~ information about the proportion of Arab to Jewish land affected by the bulk deal as proposed it is not easy to give a final decision. The Foreign Office therefore request further information on this point;

iii. there can be no question of Sarafand, which is in Zone 'A', being included in the bulk deal.

There is no quarrel with the present proposal on the ground that it might be held to imply an implementation of the Partition Plan by us. In so far as the proposal is based on any principle, it is based upon the Land Transfers Regulations, and not the boundaries of the Partition Plan. Moreover, it will be noted from paragraph 12 of the Cairo telegram that the High Commissioner would contemplate a similar arrangement in Arab areas if a suitable Arab organisation could be found.

M.S. Beith
Mar. 13
(BEITH)
L.F.L. Pyman
13/3 L.F.L. Pyman
B.A.B. Burrows
13.3

Over

Since the above was written War Office have heard from Cairo (Flag L) that the Arab Higher Committee are prepared for a similar bulk purchase deal. I do not thinkewerneed raise objection to bulk purchase deals with both sides subject to the limitations proposed in Mr. Beith's minute.

MTLD

15th March, 1948.

CIPHER TELEGRAM

63

Recd. 2 Mar. '48.

D.T.O. 011200B Mar.

From: FIXETS Cairo.

To: The War Office.

IMMEDIATE

TOP SECRET 441/FAD

I of L for Fife from Hayes.

Subject is new proposal for bulk sale of stores and fixed assets in Jewish Areas.

1. At Hewers request Havers and I have met Brig Shearer and Col. Blair Sessions representing this purchasing agency. They have made a proposal to purchase in bulk all HM Govt assets freehold land and surplus stores and equipment in Jewish Areas. These have been defined for present purposes in agreement Palestine Govt as follows:- ~~Encampment~~ Zone B and unrestricted areas defined in land transfer regulations omitting Jerusalem. Sarafand might also be included though situated in Zone A.

2. ~~Surmised that~~ Centre purchasing agency was non profit making organization formed last year by Jewish Agency and other leading Jewish organizations to acquire materials of value to Palestine hold and re-sell on commission basis. It was recognized by Palestine Govt.

3. But in transaction now proposed I understand CPA is co-operating with Allied Agencies Ltd. 45 Mount St London who claim to have link organisations in N. Africa Pakistan etc. sponsored by Governments concerned who would purchase certain movable material from CPA for export. Suggest you check status of Allied Agencies Ltd. and contact Brig. Shearer at Mount St.

4. Havers is dealing with Stores aspect of proposal separately. Palestine Govt have no political

objection to sale of surplus stores in areas defined at one to CPA after priority purchasers have been satisfied. My remarks at 5 to 12 below refer to fixed assets and land only.

5. Proposal is to purchase all installations in areas defined at one above except those reserved for priority purchasers or sold by tender (see Six below) reserved defence installations and minor assets which cost less than £5,000. Price for assets erected on hired or requisitioned land to be assessed at over all percentage on original cost. Purchaser to accept reinstatement liability on Jewish land but see Seven below regarding Arab land. Land ownership is mixed in many cases. Price of assets on HM Govt land to be assessed separately on basis of going concern.

6. Following assets of major political importance to be put out (?to) open tender and CPA offer would not be accepted save on competitive basis. Sarafand Khayat beach Tel Litwinsky Kiryat Motckin. In addition following installations would be put out to open tender although CPA bulk(?offer) would not apply to them as they are in zone A. Ramleh Airport Aqir Airport Kilundia Airstrip RAF married quarters at Katamon Beit Nabala Ein Shemer Airport.

7. Terms of payment offered by CPA on signing general agreement percentage deposit would be paid in Palestine pounds on actual hand over of assets balance would be paid (a) 20% in USA Dollars (b) 80% in HMG securities.

8. Political aspects. Palestine Govt has no political objection

/provided....

provided we do not transfer our reimbursement liabilities on Arab land to CPA except by amicable arrangement with land owners.

9. I consider proposed deal offers very great advantages as comprehensive arrangement compared with alternative of individual sales which are becoming increasingly difficult if not impossible in certain areas (?due to) looting which is now spreading to Jewish areas. CPA will have use of Jewish forces to overcome looting problem which is of paramount importance. But we should avoid giving CPA monopoly purchase rights before agreement on list installations to be included and terms of sale.

10. Request your immediate approval in principle by wire to enable me continue negotiations as situation is deteriorating. Financial terms would of course be submitted to you before commitment.

11. Jerome considers proposal financially attractive provided Treasury agree payment terms. Brigadier Robertson has also participated in later stages and recommends proposal.

12. Would contemplate similar arrangement in Arab areas for Arabs if suitable organisation could be found and am endeavouring to contact representative of Arab Higher Committee regarding this.

13. This signal has been agreed with Palestine Govt Hower and Havers.

Request you pass copies to Minister of Defence Minister of Supply and Colonial Office.

Note by Cipher Office.

Delayed owing to mutilations necessitating repeated calls for 'check and repeat.

Message Control.

Distribution by I of L(Disposals).

Copies to:- P.U.S.
D.U.S(A)
D.U.S(B).
D.F.(C)
C of L & C.
I of L (2)
Treasury (Mr. Blunt)
Colonial Office (Mr. Gutch)
Min. of Def. (Mr. Grosswell)
M.O.S (Stores) Mr. C.W. Reid
Air Ministry (Mr. Warran)
W.F.
DD?(B)
D of A.P.
V. ?.M.G.
D.?.M.G.
M.O.4.

Now see 470/FAD

Recd. 12 Mar 48.

From:- Fixots Cairo

D.T.O. 111930 B Mar.48.

To:- The War Office

INDEXED

IMMEDIATE

TOP SECRET. 470/FAD.

I of L for Fife from Hayes.

Ref para 12 of my signal 441/FAD 1st March and my 469/FAD 10th March regarding bulk sales.

1. Arab Higher Committee for Palestine is prepared to purchase camps and airfields in Palestine Arab areas together with buildings and equipment on sites on which they stand on lines similar to those detailed for bulk sales in Jewish areas. With a view to arriving at a comprehensive arrangement for purchases, they have asked for a detailed schedule of all fixed assets available for disposal. Camps to be purchased will be used for public purposes and not (not) for interest of private individuals.

2. It is also learned that Arab Higher Committee for Palestine will be financially supported by Arab Bank and an agreement was reached between them on 9 March.

3. Havers aware of this amendment and is agreeable to similar arrangements in Arab areas for Arab Higher Committee as were proposed for CPL in Jewish areas. We shall collaborate closely with him re stores and equipment.

4. Request your approval in principle by wire to enable me to continue negotiations. As for CPL financial terms will of course be submitted to you before commitment.

5. Prior Palestine Govt approval will be obtained regarding political aspect.

6. Position will be explained to Jerrom before his departure for UK on 13th March.

Message Control.

/Distn...

Distn by I of L(Disposals).

Copies to:- PUS.
DUS(A),(B).
DF(c).
C of L&C.
I of L(2).
I of L(Disposals).
Treasury(Mr Blunt).
Foreign Office(Mr Beith).
Colonial Office(Mr Gutch).
Min of Defence(Mr Gresswell).
Min of Supply(Stores)Mr C W Reid).
Air Ministry(Mr Warran).
WF.
DDQ(B).
D of AP.
VQMG.
*DQMG.
MO 4.

Map No. 4

PALESTINE

INDEX TO VILLAGES & SETTLEMENTS

Scale 1:250,000

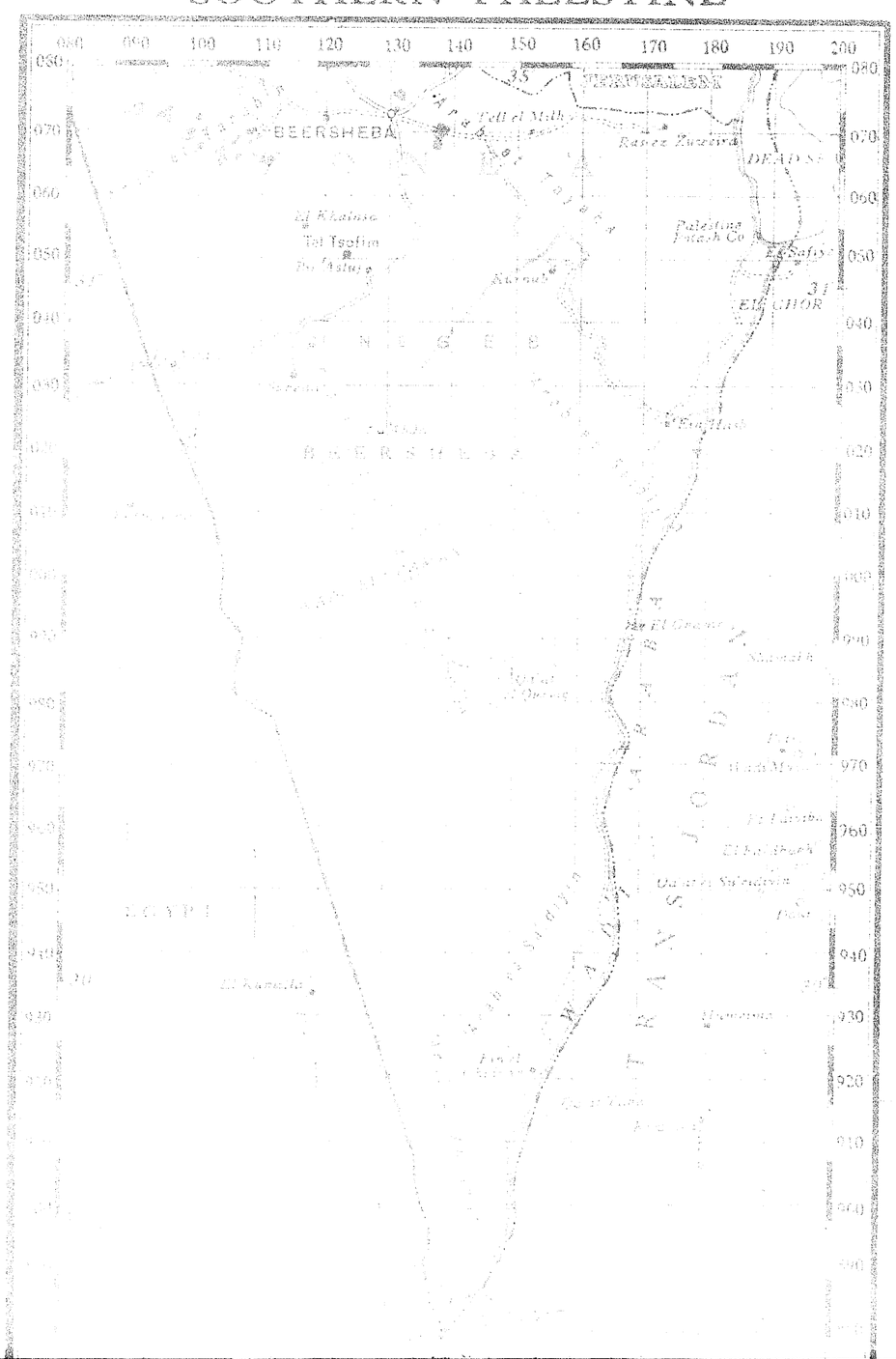
Kilometres 10 5 0 10 20 Kilometres

Miles 5 0 10 Miles

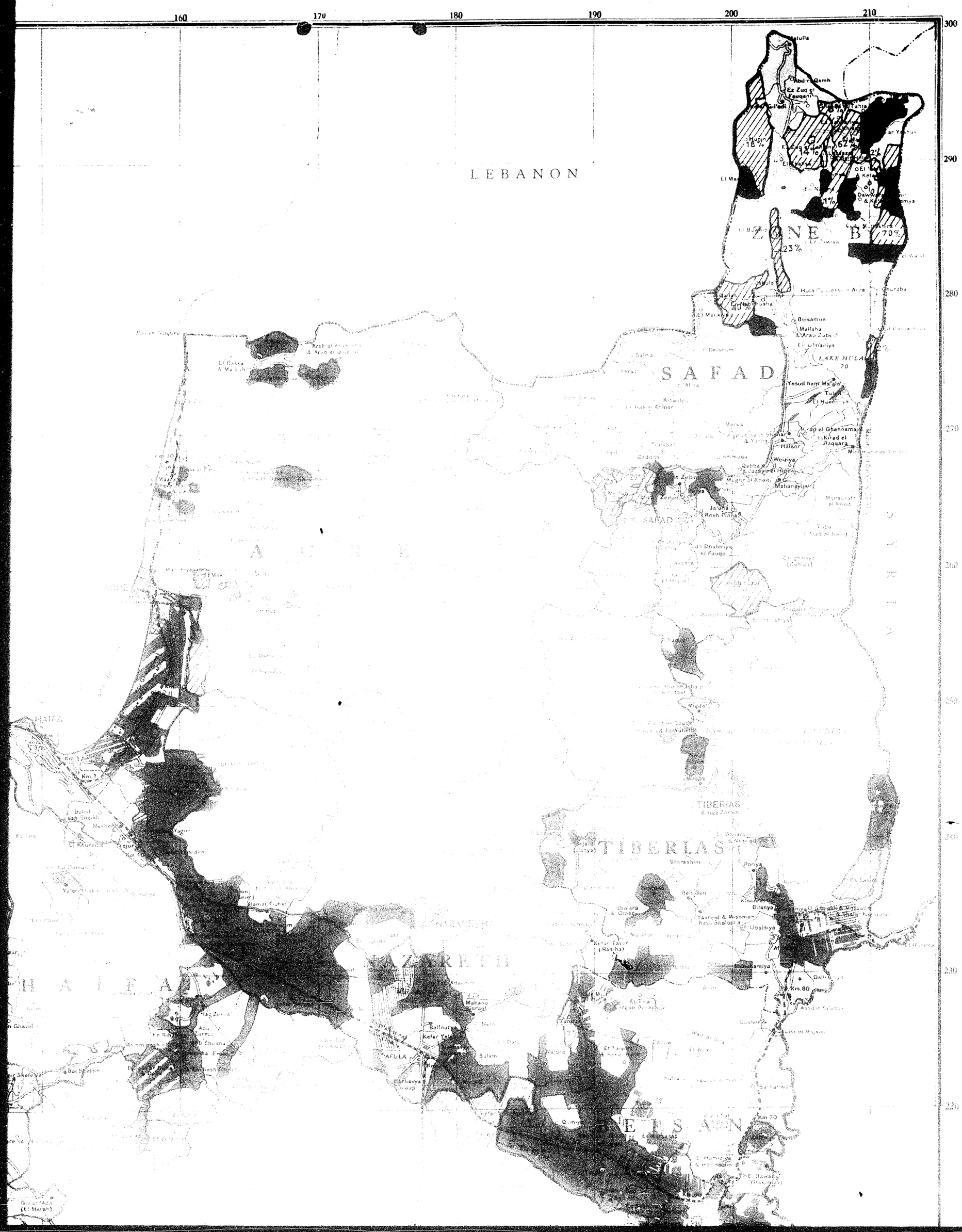
REFERENCE

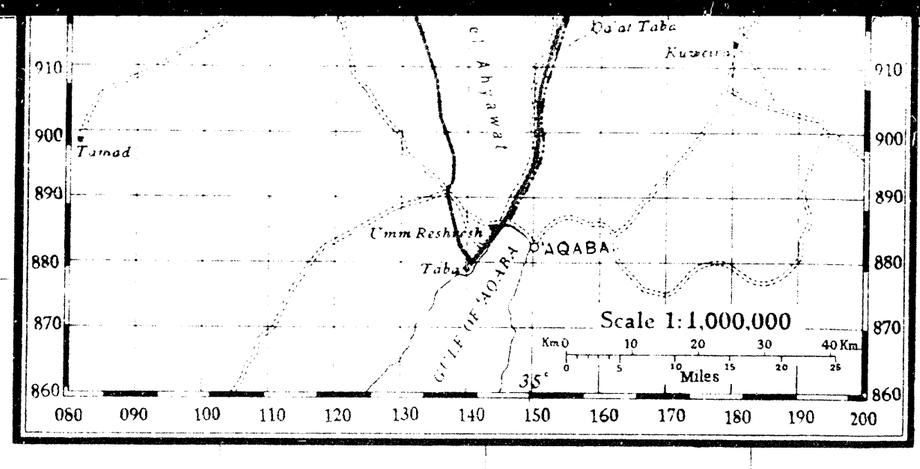
Towns	SAFAD
Arab Villages	[illegible]
Jewish Settlements	[illegible]
Main Roads	
Railways	

SOUTHERN PALESTINE



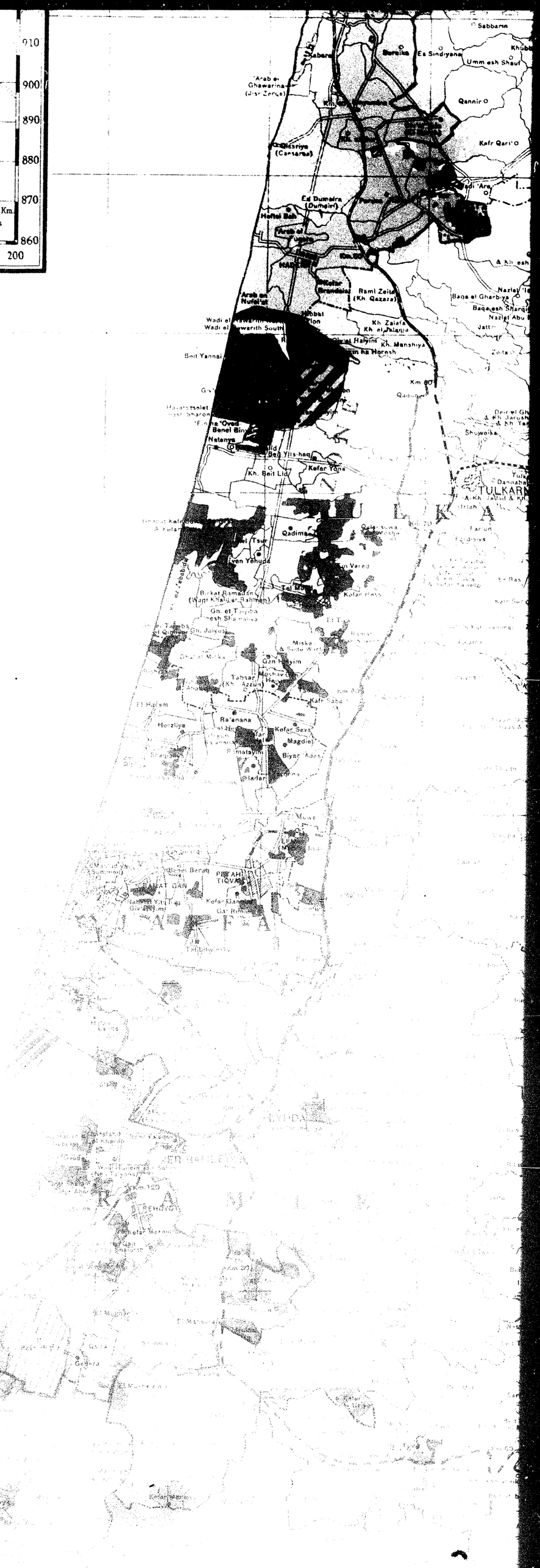
46

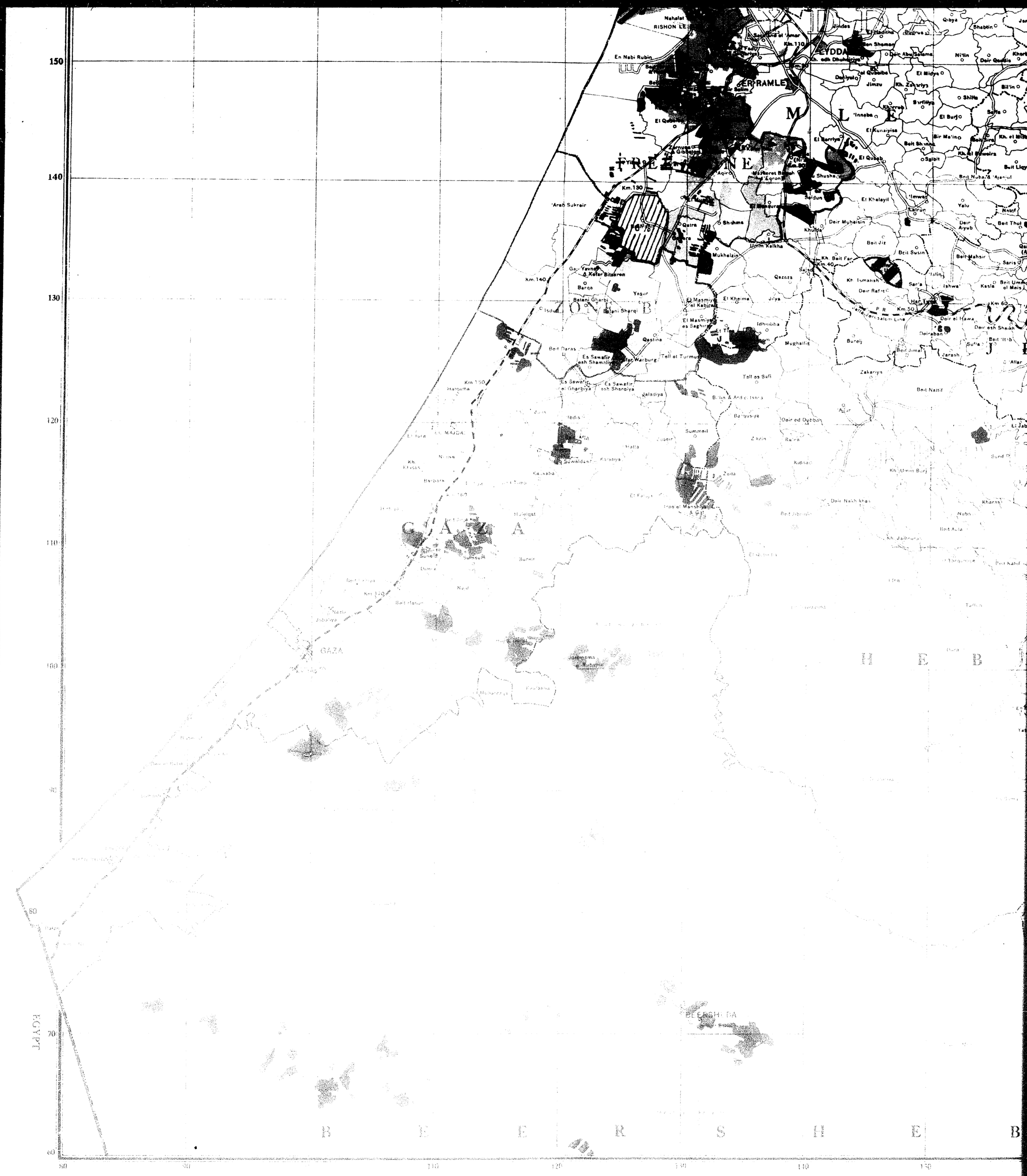




LAND IN JEWISH POSSESSION

(As at 31.12.44)

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GAZA
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Km.140
Km.150
Km.110
Km.50
Km.60
Km.40
Nahalat
RISHON LE
En Nabi Rubin
Arab Sukreir
Qatra
Shuhma
Mukhelzin
Umm Kalkha
Khulda
Deir Muheisin
Beit Jiz
Beit Susin
Beit Mahsir
Deir Aiyub
Yalu
Beit Thul
Saris
Kasla
Beit Ummo el Meis
Deir el Hawa
Deir esh Sheikh
Beit Itab
Jarash
Zakariya
Beit Nattif
Tell es Safi
Idhnibba
Mughallis
Bureij
Deir Rafat
Kh. Ismailiah
Qazaza
El Kheima
Jilya
El Masmiya el Kabira
El Masmiya es Saghira
Tell el Turmus
Es Sawafir esh Shamaliya
Es Sawafir el Gharbiya
Es Sawafir esh Sharqiya
Jaladiya
Batani Gharbi
Batani Sharqi
Barqa
Yasur
Isdud
Beit Daras
Hanjama
Jiddis
Afula
Suwaldan
Kaukaba
Hatta
Summeil
Zerta
Iraq el Manshiya
Deir ed Dybban
Zikim
Kidna
Deir Nakhkhas
Beit Jibrin
Kh. Umm Burj
Kharas
Nuba
Beit Aula
Kh. Jamrura
Deir Kahil
Tarqumiya
Tarqa
Dura
Yatta
Hebron
Beit Ummar
Halhul
Dura
Burin
Huwara
Nablus
Sebastiya
Sanur
Jenin
Tulkarm
Qalqilya
Ramallah
Jerusalem
Bethlehem
Hebron
Beersheba
Ashdod
Ashkelon
Gaza
Rafah
Khan Yunis
Deir el Balah
Nuseirat
Jabaliya
Beit Hanun
Beit Lahiya
Sheikh Ijlin
Shati
Tel Aviv
Jaffa
Lod
Ramla
Rishon LeZion
Petah Tiqva
Ashdod
Ashkelon
Beersheba
Dimona
Arad
Mizpe Ramon
Eilat
Sinai
Suez
Ismailia
Port Said
Cairo
Alexandria
Mediterranean Sea
Red Sea
Dead Sea
Jordan River
Gaza Strip
Israel
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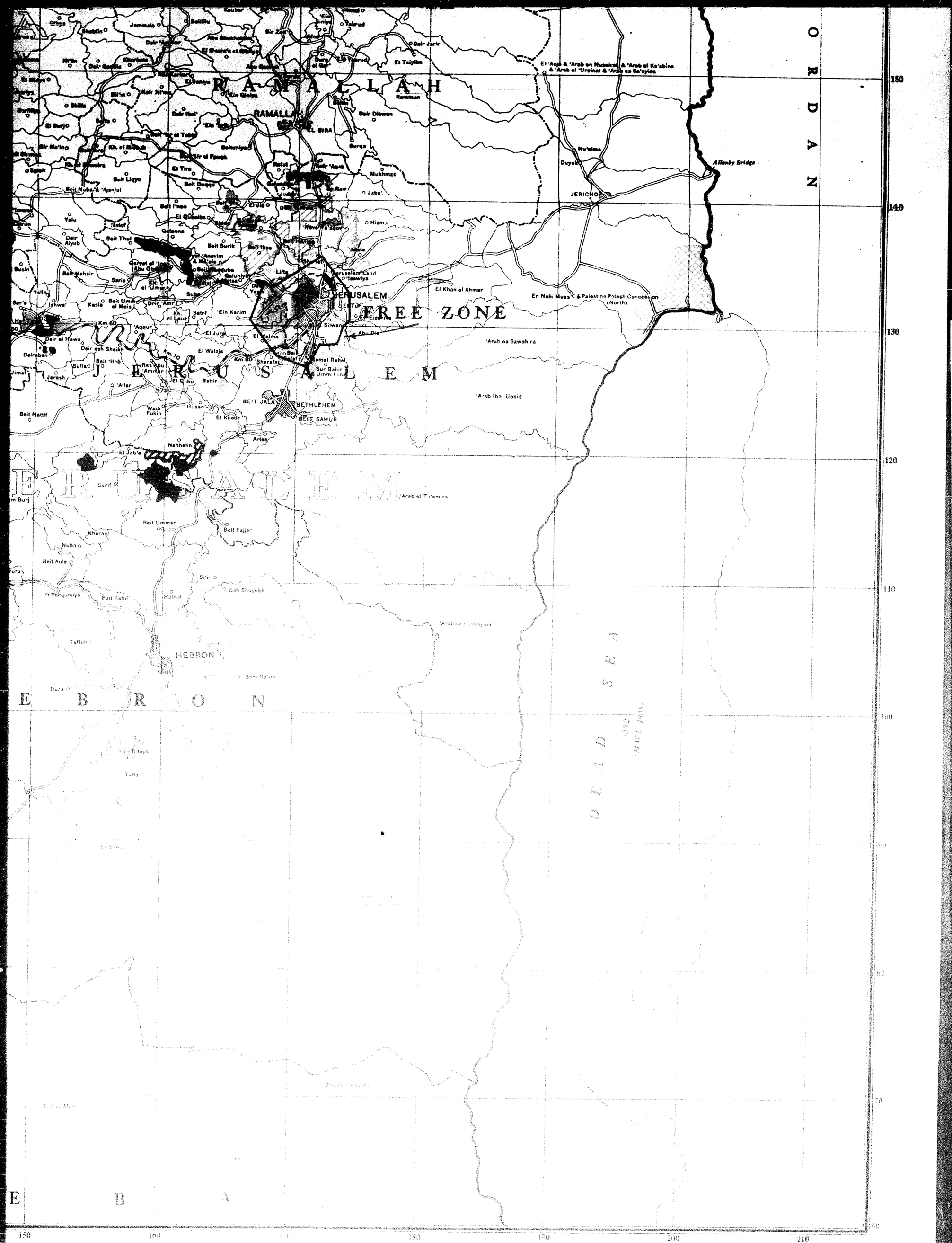

Printed by O.S. from reproduction material supplied by Survey of Palestine, 1946.

Registry No.

OUT FILE

47

FOREIGN OFFICE,
London,
S.W.1.

Draft. LETTER

To: Minister of Defence

From: Mr.McNeil

Following our telephone conversation I thought it advisable to put on paper my understanding of the situation.

All the proposed ~~labels~~ installations and stores have been offered for public sale and no decision to dispose of property is taken on any other basis than the strictly commercial one of the more acceptable tender.

I understand ~~from you~~ also that there is no reason ~~for~~ to fear~~ing~~ that we would, as a result of our commercial operations, be committed in any way to having approved implicitly the proposed partition.

In these circumstances, the view of ~~my~~ this Office, ~~and the recommendation which I make below~~, is that the deal ~~should~~ can be proceeded with, subject to the two following reservations.

~~The reservation is that~~ Firstly there should be no question of a ~~safari~~, which is in Zone A, (i.e. the restricted zone,) being included in the bulk deal.

Insert A

I have no objection then to the Colonial Office, and I therefore am not sending this to them.

Registry No.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft.

OUT FILE A. 48

secondly,

(Since speaking to you I have been informed that we may be accused of unfairness ~~there may be difficulties~~ ~~may arise~~ if installations in Jewish areas but on Arab-owned land are sold to the Jews. I do not want to hold up the deals on this account but I suggest that the disposal authorities & the HC might be asked to look into this aspect of the matter to see how

the

NOTHING TO BE WRITTEN IN THIS MARGIN.

(2/47) (14728) Wt. 11489—144 250m 5/47 G.S.St.

this possible difficulty

~~the difficulties~~ could be minimized. The suggestion in para 8 of Cairo tel. 441/FAD does not seem quite enough to meet the point.

(FINETS to WO)

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUT FILE

49

17th March, 1948.

Following our telephone conversation I thought it advisable to put on paper my understanding of the situation.

All the proposed installations and stores have been offered for public sale and no decision to dispose of property is taken on any other basis than the strictly commercial one of the more acceptable tender.

I understand also that there is no reason to fear that we would, as a result of our commercial operations, be committed in any way to having approved implicitly the proposed partition.

In these circumstances, the view of this Office is that the deal can be proceeded with, subject to the two following reservations.

Firstly, there should be no question of Sarafand, which is in Zone A (i.e. the restricted zone) being included in the bulk deal.

Secondly, since speaking to you I have been informed that we may be accused of unfairness if installations in Jewish areas but on Arab-owned land are sold to the Jews. I do not want to hold up the deal on this account but I suggest that the disposals authorities and the High Commissioner might be asked to look into this aspect of the matter to see how this possible difficulty could be minimized. The suggestion in para. 8 of Cairo Telegram 441/PAD (FIX[illegible] to W.O.) does not seem quite enough to meet this point.

I know that you have spoken to the Colonial Office, and I therefore am not sending this to them.

1948

E

PALESTINE

E 3293

11 MAR 1948

50

Registry Number | E3293/8/31

FROM

W. A. C. Mathieson

No. Colonial Office

Dated 75872/154/17

Received in Registry | To Mr Beeley 8 Mar 11 Mar

Palestine Bill. Motion by Mr Warby.

Transmits copy of note on the motion by Mr Warby and others to decline to give a second reading to the Palestine Bill.

Asks Comments.

Last Paper.

3290

References.

(Print.)

(How disposed of.)

(Minutes.)

D Balfour 11/3

HB. 12/3

J. P. P. Parliamentary Matter, Library 8/3

D Balfour 22/3

HB. 22/3

(Action completed.)

(Index.)

25/1/49

Next Paper.

3323

26513 F.O.P.

51
E

Communications on this subject should be addressed to—
THE UNDER SECRETARY OF STATE,
COLONIAL OFFICE,
LONDON, S.W.1.
and the following Number quoted: Y5872/1521/17
Your Reference ——

5293

MAR 1918

My Lord,

I attach a copy of a note, connected with our Legal Advisor, on the motion by Mr Warley and others to decline to give the Palestine Bill a second reading.

Comments welcomed.

W A C Matthews
8/3/18

52 Enclosure

NOTE ON MOTION BY MR. WARBEY & OTHERS

The Bill is attacked for failing to make provision for two matters.

1. It fails to make provision for the independence of Jewish and Arab States in Palestine as provided by the United Nations decision.

The resolution of the General Assembly provided that independent Arab and Jewish States shall be established by the United Nations Commission. There is nothing in this Bill which will prevent the establishment of Jewish and Arab States by the Commission, nor could their independence be established by an Act of the United Kingdom Parliament. Recognition of the independent existence of such States when they are established is a matter for international agreement and cannot be done in a Bill designed to terminate the jurisdiction of His Majesty in Palestine.

2. The Bill fails to provide for the orderly transfer of His Majesty's jurisdiction in Palestine to the United Nations Commission. Transfer of jurisdiction is an act in the international sphere and therefore it is not appropriate to an Act of Parliament, which of course would have no effect in Palestine after the termination of the Mandate. This Bill does do what can be done by Act of Parliament to leave the legal position straight, e.g., it leaves Palestine law in force for the successor authority to take over. Moreover, the High Commissioner has, by Order in Council, been given power to make such legal provision as will be appropriate in preparation for the withdrawal of His Majesty's government, thus leaving a body

/of...

of law in a suitable state for the Commission to administer. With the concurrence of the Commission, these powers are being exercised to transfer to municipal authorities certain administrative functions now exercised by the central government.

3. Further than this it is not our policy to go. His Majesty's Government have made it clear that they cannot take part in the implementation of a plan opposed by the majority of the inhabitants of Palestine. But by surrendering their authority in the country by this Bill they are making the way clear for the establishment of such successor authority as the United Nations may decide. While His Majesty's Government will not take part in the implementation of the United Nations plan, and have made this determination clear from the start, they are doing all in their power by legislation to leave the house in order for the incoming tenant. That is the object of this Bill. It places no impediment in the way of the United Nations Commission assuming jurisdiction in Palestine, jurisdiction which, if it has any legal basis, will depend on the resolution of the General Assembly. The Bill makes possible the assumption of authority in Palestine by the United Nations Commission by terminating His Majesty's jurisdiction.

EASTERN.

53

Ended

INDEXED

MOTION.

Parliamentary ~~Question~~

E

(10)

Mr. Warbey,—
Sir Richard Acland,—
Mr. Sydney Silverman,—
Mr. Daines,—
Mr. Mikardo,—
Mr. Cocks,—
Mr. Driberg Mr. Ayles Mr. Skeffington-Lodge

Lab.

On Second Reading of Palestine Bill, to move, That this House declines to give a second reading to a Bill which, in making provision with respect to the termination of His Majesty's jurisdiction in Palestine, fails to make provision for the independence of Jewish and Arab States in Palestine as provided by the United Nations decision, for the orderly transfer of such jurisdiction to the United Nations Commission, or for consequential and connected matters.

8 MAR 1948

Lytton.

For information.

E3293 8 31

1948

E

PALESTINE

E 3323

12 MAR 1948

Registry Number	E3323/8/31
FROM	War Office
No.	Commd.
Dated	
Received in Registry	12th March

Disposal of Stores in Palestine to Jews in Bulk.

War Office tel 09276 dated Mar 9th. to FIXETS Cairo, Referring to FIXETS TEL 441/FAD of Mar,2. E3290/8/31.

Proposal has been discussed departmental level Bulk deal favoured but Ministerial approval necessa this is being sought urgently, result will be advised when possible,

Last Paper.

3293

References.

(Print.)

(How disposed of.)

(Minutes.)

See E 3290 a minute

JB Mar. 13

(Action completed.)	(Index.)

Next Paper.

3351

26513 F.O.P.

ONE TIME P.D

entered 55 E

FADC/BM/229

Desp. 9 Mar. 48

091800Z MARCH

E 3323

12 MAR 1948

WAR OFFICE

FIXETS CAIRO

TOP SECRET 09276 09029/1LD

For Hayes D. Hirings from Fife.

Subject your 441/F.D bulk sale delayed in transmission.

ONE Proposal has been discussed here departmental level all interested departments. Bulk deal favoured subject to certain reservations Foreign Office but Ministerial approval necessary. This is being sought urgently and you will be advised result as soon as possible. Subject (a) to understanding this approval required and (b) conditions below negotiations should continue.

TWO Your 2 and 3. Understand Allied Agencies Ltd. interested in transaction only as dealers in residual exportable stores. Company was registered April 1946 with capital £20,000 all taken. Directors 4 Indians and Brigadier Shearer. Nothing adverse known officially. But clear backing for deal depends on C.P.... and suggest you use best means check their resources locally. Can C.P... take title of land. Colonial Office are consulting Palestine Government separately on this point.

THREE Your 5 and 6. Arrangements retail and proposal terms will be awaited. Assume impossible include any assets under £5000 in deal. Also assume undesirable to run stores and fixed assets deals separately. Colonial Office will have to be consulted further if Sarafand included in deal.

FOUR Your 7. Terms of payment agreed subject to following Desirable secure 25% of whole sum in U.S... dollars but if this cannot be obtained accept 20%. Similar percentage

on total estimated amount to be made on signing general agreement or on 1st May whichever earlier and to be retained until completion. Payments for assets to be made in full as taken over. Agreed here with Shearer that H.M.G. securities would be sold by purchasers who would pay proceeds in sterling.

FIVE — Your 8. Arab land difficulty with which Foreign Office reservation mainly concerned. Assume if no amicable arrangement possible with landowners we should pay reinstatement but only if assets removed by U.P.A. who would not in that case pay in situ value. Request further appreciation this point.

SIX — Your 9 - 13 noted. Assume general agreement would be drawn up locally with legal advice and signed jointly by Havers and yourself.

SEVEN — Also assume military authorities agree proposals.

EIGHT — Above agreed with Ministry of Supply who are signalling Havers separately.

Message Control.

Distribution by I of L (Disposals).

Copies to:

P.U.S.	Treasury (Mr. Blunt)	T.F.
D.U.S.(A)	Colonial Office (Mr. Cuton)	DDQ(B)
D.U.S.(B)	Foreign Office (Mr. Keith)	D of M.P.
D.F. (C)	Min. of Def. (Mr. Cresswell)	V.C.I.G.S.
C. of L & C	M.O.S. (Stores) Mr. C. A. Reid.	D.Q.M.G.
I of L (2)	Air Ministry (Mr. Norman).	M.O.4.

IMMEDIATE

1943

51

Palestine
EASTERN

E 3351/G
12 MAR 1948

E 3351 / 8 31/C

New York (U.K. Del.) 859 dated 11 March

Palestine: Iraq Petroleum Company pipeline

Last Paper.

(Minutes.)

References.

E1180/4/31

(Print.)

(How disposed of.)

Copied C.O.
Tel) New York 12th 14 March
Rpd Jerusalem W'ton 3142
8) C.O. MOFP 22 March

The decision conveyed in the two Colonial Office telegrams under reference was carefully considered by Departments here: and the Colonial Office, after arguing somewhat on the lines of this telegram from New York, eventually accepted the Foreign Office view that we have good answers to any criticism of our action in this matter. (See in this connexion the minute by the Under-Secretary of State for the Colonies to the Secretary of State of February 27th in E 2944/2300/80, and in particular paragraph 5). I have consulted the Colonial Office on the departmental level and they would wish a telegram sent instructing Sir A. Cadogan to go ahead. I attach a draft, in which the Colonial Office concur.

As regards point (B) of the New York telegram, I suggest that it was rather unwise of the Colonial Office representatives with the Delegation to make the communication contained in P.N.Y. 3 without specific instructions and on the basis of a repetition of a telegram to Palestine.

N.A. Dept.

E.R. Dept. a/a

D. S. Beith
(BEITH)
15th March, 1948.

N.B. As a matter of fact, the Colonial Office tell me that they considered the desirability of warning their representatives at New York to take no action with the Commission on ~~Colonial~~ Office (? C.O.) telegram No. 3154, but decided that there was no need to do so, as the matter was clearly still under consideration. There has been no later telegraphic correspondence and in particular nothing from Palestine, to say that the Government have spoken to the I.P.C. on the lines suggested.

(Action completed.)

(Index.)

Next Paper.

30471 F.O.P.

11

I agree with the action proposed.
The increased uncertainty
regarding the partition plan
seems to be an additional
reason for not holding up
economic development.

P Stephens
(STEPHENS)
17/3.

I agree with the draft.

L.F.L. Pyman
18/3

BABrennan
18.3

Tel sent

BABB
19/3

E

E 3351 Green 57

12 MAR 1948

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Cypher/OTP DEPARTMENTAL

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 859. D. 7.30 p.m. 11th March, 1948.

11th March, 1948. R. 12.46 a.m. 12th March, 1948.

Repeated to: Jerusalem
Washington.

MOST IMMEDIATE
TOP SECRET

Addressed to Foreign Office telegram No. 859 of 11th March, repeated for information to Jerusalem and Washington.

Your telegrams Brief Nos. 89 and 90.

Palestine.

Before a final decision is taken as regards Iraq Petroleum Company pipeline negotiations I feel that I should bring two points to your notice:

(A) As you will recall from correspondence ending with Colonial Office telegram to Jerusalem No.3154 of 1947 repeated here as No. 4244 we have in the past thru that it would be highly embarrassing if it should become known that the Government of Palestine were continuing negotiations for new oil concessions to a British Company. Any action taken by the Government of Palestine at this stage is liable to be misrepresented here and I feel that the effect on American public opinion so shortly before the termination of the mandate would be deplorable.

(B) Moreover as you will be aware from Subsection(A) proposed amendment to the I.P.C. petroleum concession of Section 6 - concessions of paragraph 2 of the note submitted to the Commission on the 21st January (copy of which was sent to you as P.(NY)5) the Commission were informed that these negotiations were not (repeat not) being proceeded with. This action was taken in accordance with the instructions contained in Colonial Office telegram referred to above. The Commission appeared to take the view that this was a proper attitude for the Government of Palestine to take and it would be very embarrassing at this stage to have to return to the Commission and inform them that after all it was proposed to conclude this agreement. The fact that the agreement can be repudiated by successor authorities will not dispel the suspicion that will inevitably attach to this action. Nor would expected accretion of 45,000 pounds to Palestine treasury be much consolation to Commission in view of size

/of prospective deficit.

of prospective deficit.

2. I appreciate that these considerations have no doubt been taken into account (though I have not received Colonial Office telegram No.[illegible] to Palestine to which your second telegram under reference refers). But I feel it necessary to repeat that any such move at this stage in favour of a British company is likely to be seriously misrepresented here.

Please repeat to Jerusalem Most Immediate as my telegram No. 208.

[Copy sent to Telegraph Section, Colonial Office, for Most Immediate repetition to Jerusalem].

[Copy sent to Middle East Secretariat]

zzz

OUTWARD TELEGRAM

FROM THE SECRETARY OF STATE FOR THE COLONIES.

1959

17120/73/48

Cypher (O.T.P.)

TO PALESTINE (General Sir A. Cunningham)

Sent 9th March, 1948. 19.30 hrs.

IMMEDIATE

No. 928 Top Secret.

Addressed High Commissioner Palestine.
Repeated UKDEL, New York, BRIEF No. 89.
" Washington BRIEF No. 48.

My telegram No. 3154 repeated to U.K. Delegation, New York.

Iraq Petroleum Company's Pipeline negotiations.

Company now say that they quite realise (a) possibility of any formal agreement between you and them being declared invalid by the successor authority and (b) probability of additional demands being made by future Jewish State as a condition of endorsing any such agreement. They feel, however, that in spite of these difficulties, an arrangement of some kind would be better than nothing.

2. On reconsideration I feel that possibility of criticism of grant of concession to the Company is a subsidiary issue, and that any such criticism could be met by reply that under the terms of the Partition Plan the validity of the concession would not be affected after the termination of the Mandate, unless endorsed by the successor state; that it is in the interests of the economic development of the area; and that the grant of the concession will put capital (in the form of payment for the concession) into Palestine rather than take them out.

3. In the circumstances I now agree to your granting the Company the pipeline facilities they have requested, in return for an annual payment of £P.45,000.

4. [illegible] is being asked to circulate telegram to explain position to United Nations Commission. (Copies sent to Foreign Office for transmission to New York and Washington).

Distribution Map

P.S.	Mr. Nutting
Secretary of State	Mr. Machtig
Sir T. Lloyd	Mr. Hughes
Mr. Tom Williams	Mr. Gallemore
Mr. R. Jackson	Mr. Holmes
Sir G. [illegible]	Mr. Dale
Mr. Makins	Sir H. Clauson
Mr. Martin	Mr. Norris
Mr. Trafford Smith	Mr. Dark
Foreign Office	Mr. E.A.B. Burrows.
Ministry of Fuel and Power	Mr. W.D. Mansell-Davies.

OUTWARD TELEGRAM.

FROM THE SECRETARY OF STATE FOR THE COLONIES.

19 60

Pal.

17120/73/48
Cypher (O.T.P.)

TO UNITED KINGDOM DELEGATION, NEW YORK

Sent to Foreign Office for transmission to New York and sent to Palestine at 20.15 hrs., 9th March, 1948.

TOP SECRET
BRIEF No.90.

Addressed UKDEL, New York.
Repeated High Commissioner, Palestine No.929.
" Washington BRIEF No.49.

My telegram No.923 to Palestine repeated to you BRIEF No.89.

Iraq Petroleum Company's pipeline negotiations with Palestine Government.

Company's agreement with Trans-Jordan Government of 10th May, 1947, provides that their drilling obligations shall run from date on which arrangements satisfactory to the Company are concluded between them and Palestine Government covering transit of oil from Trans-Jordan through Palestine. As long ago as 17th March 1947 Company raised with Colonial Office question of free transit through Palestine of oil from Trans-Jordan under concession then under negotiation. It was decided in principle that Palestine Government had right to make charges for pipeline facilities and that actual amount of payment should be negotiated between Palestine Government and companies concerned. Iraq Petroleum Company were so informed and entered into negotiations with Palestine Government accordingly. Result was offer of £P.45,000 per annum conveyed to me in High Commissioner's telegram No.2232 of 22nd November last repeated to you as No.1619. But for delay in deciding question of principle referred to above, for which Company was in no way responsible, negotiations would probably have been completed before Partition Plan was approved by United Nations, and in that case continued validity of any arrangement made would have been assured under paragraph 3(d) of Chapter 5 of the Plan.

2. Position under that paragraph has been explained to the Company who are prepared to take risk of any agreement now made with the High Commissioner being repudiated by successor authority. In the circumstances for reasons explained in my telegram under reference I have authorised High Commissioner to grant Company the pipeline facilities requested (i.e. for oil from Trans-Jordan and also from two wells in Iraq not covered by their existing pipeline concession with Palestine Government) in return for annual payment of £P.45,000.

3. Subject to confirmation by High Commissioner that he agrees and is going ahead with the grant of the concession, I should be grateful if you would notify United Nations Commission to this effect, explaining reasons for action taken.

(Copies sent to Foreign Office for transmission to New York and Washington).

Distributed to:-

D.44
Secretary of State
Sir T. Lloyd
Mr. Rees-Williams
Sir S. Caine
Sir C. Jeffries
Mr. Holdich
Mr. Martin
Mr. Trafford Smith
Mr. Cobb
Mr. Matthews
Mr. Higham
Mr. Balmworth
Mr. Bellars
Mr. Miles
Sir G. Clauson
Mr. Morris
Mr. Duff
Foreign Office
Ministry of Fuel and Power
Mr. [illegible]
Mr. [illegible]

OUTWARD TELEGRAM

Sent by request with Mr Bunt's compts 13/3/48.

B 9 61

17120/73/47

Cypher (O.T.P.)

TO PALESTINE (General Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 7th December, 1947. 17.00 hrs.

No. 3154 Top Secret.

Addressed High Commissioner No. 3154.
Repeated to the U.K. Delegation, New York for Martin.

With reference to their telegram to Foreign Office No. 3308 repeated to Jerusalem No.224.

Your telegram No. 2232.

Iraq Petroleum Company's Pipe Line negotiations.

I consider that the line you should take with the Company is that, now that the General Assembly has adopted the partition plan, the Palestine Government cannot see their way to conclude the negotiations for this concession, especially as under the terms of the plan it would be open to the successor authority to repudiate the concession if it wished; but that the Palestine Government would, nevertheless, bring the matter of the proposed I.P.C. concession to the notice of the United Nations Commission as one which in their opinion it would be in the interests of Palestine as a whole to conclude as soon as possible.

(Copies sent to Foreign Office for onward transmission).

Distributed to:-

Distributed to:-

R.243
Secretary of State
Sir T. Lloyd
Mr. Rees Williams
Sir S. Caine
Sir C. Jeffries
Mr. Holding
Mr. Martin
Mr. Trafford Smith
Mr. Gutch
Mr. Mathieson
Mr. Higham
Mr. Galsworthy
Mr. Holmer
Mr. Burt
Mr. Eastwood
Mr. Monson
Ministry of Fuel and Power - Mr. K.N. Stock.
Foreign Office - Mr. Pyman.

62

17120/73/48. 18th March, 1948.

Secret

My dear Beith,

You sent Gutch the other day a draft reply to UKDEL telegram No. 859 of the 11th March about the I.P.C. pipeline negotiations.

We concur in this, but suggest the addition of a sentence at the end which has been embodied in the enclosed retyped version.

Yr. J.M. Martin

(J.M.Martin)

J.G.S. Beith, Esq.

Registry No. E3351/8/G

~~Top Secret~~
Secret.
~~Confidential~~
~~Restricted~~
~~Open~~

Draft.

~~IMMEDIATE~~
U.K. DELEGATION
NEW YORK.

Telegram.

No. 1214

(Date) MARCH 19 '48

Repeat to :—

JERUSALEM

WASHINGTON 3142.

Seen by N.A. Dept.

Agreed by C.O. and Ag. M.E.A.

~~En Clair.~~ Mar. 18
~~Code.~~
Cypher. L.P. Mar 18

Distribution :—

DEPARTMENTAL

Copies to :—

Colonial Office.
Min. of Fuel & Power (with tel. under ref.)

24/3

12 noon

Wt. 43897-140 100m 3/47 G.S.St. Gp 620 (13556)

NOTHING TO BE WRITTEN IN THIS MARGIN.

Foreign Office. 15.3.48.

'63

F. O., 19/3 1948.

~~IMMEDIATE~~
SECRET

Despatched 1.15 p.m.

Addressed to U.K. Delegation, New York

No. 1214 of March 19th

Repeated for information to Jerusalem and Washington.

Your telegram No. 859 [of March 11th; I.P.C. pipeline negotiations].

Matter has been under close consideration interdepartmentally since Colonial Office telegram No. 3154 was sent to Jerusalem. I agree that it is unfortunate that United Nations Commission were meanwhile told that negotiations had been dropped.

2. The present decision was taken on a high level and is final. In the circumstances, it would seem that you can only inform the Commission that your previous communication on this subject was premature, since the matter has been under continued consideration in London, and go on to convey the decision contained in my telegrams Brief Nos. 89 and 90. N.P. 3 Any adverse effect on U.S. opinion ~~American public opinion could surely be mollified by giving~~ ~~suitable publicity to the fact that, although~~ the company is registered in the United Kingdom, 23¾% of the capital is held by American interests (Near East Development Corporation), same proportion each being held by Anglo-Iranian Oil Company, Royal Dutch Shell, and Cie. Francaise des Petroles, and remaining 5% by Participations and Investments Ltd.

[Copy sent to M.E. Secretariat]

~~Secret.~~

19.3.

Green 64

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

Cypher/OTP
E3351/8/G.
Secret.

DEPARTMENTAL DISTRIBUTION

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 1214.
March 19th, 1948. D. 2.15.p.m. March 19th, 1948.

Repeated to Jerusalem.
Washington No. 3142.

IMMEDIATE.

SECRET.

Addressed to United Kingdom Delegation New York No. 1214. of March 19th, repeated for information to Jerusalem and Washington.

Your telegram No. 859 [of March 11th; I.P.C. pipeline negotiations.]

Matter has been under close consideration interdepartmentally since Colonial Office telegram No. 3154 was sent to Jerusalem. I agree that it is unfortunate that United Nations Commission were meanwhile told that negotiations had been dropped.

2. The present decision was taken on a high level and is final. In the circumstances, it would seem that you can only inform the Commission that your previous communication on this subject was premature, since the matter has been under continued consideration in London, and go on to convey the decision contained in my telegrams Brief Nos. 89 and 90.

3. Any adverse effect on United States opinion might perhaps be minimised by giving suitable publicity to the fact that, although the company is registered in the United Kingdom, 23½% (repeat 23½%) of the capital is held by American interests (Near East Development Corporation), same proportion each being held by Anglo-Iranian Oil Company, Royal Dutch Shell, and Cie Francaise des Petroles, and remaining 5% by Participations and Investments Ltd.

[Copy sent to Middle East Secretariat.]

6 6 6 6 6

52 1948

Intelligence

EASTERN

E3352/G

12 MAR 1948

E3352/B/G 31/G

War Office command.
0 6516
dated 30 Jan

Directive to G.O.C. Palestine

Last Paper

E3351

References

E2760/8/G.

(*Print*)

(*How disposed of*)

(*Minutes*)

See within
1. W.O. command 55Y399(O)C. 14 Feb.
the directive is now approved

JB Apr. 2

(Action completed)	(Index)
3/4	

Next Paper

33744

12 MAR 1948

enrolled E

66

12 MAR 1948

With the compliments of

Lt. Col. M.M.C. Charteris.O.B.E.

War Office,
S.W.1.

J.G.S. Beith. Esq
Eastern Dept.
Foreign Office,
S.W.1.

67

ONE TIME SYSTEM.

420763.

Recd. 14 Feb 48.

D.T.O. 131830B Feb.

From:-C in C MELF.

To:-The War Office.

IMMEDIATE.

TOP SECRET. 55739G(O)C.

Ref your 06516(MO4) of 30 Jan 48.

One. Answers to specific questions in your para 3 are as follows.

A. Anticipate GOC will be able to keep control of the railways within the Enclave and will operate the Port to the extent necessary to meet his requirements. For this he will require certain of the existing British Staff-numbers not yet known.

B. We believe it will not be necessary for him to control and operate any other public services unless they break down. Above subject to confirmation as result of detail examination now in progress.

C. No difficulty anticipated in obtaining volunteers from British Police Force but their terms of engagement require consideration. Presumably on existing terms but continuity essential.

D. No inducement will be required for British Police personnel. The only Palesinians required will be Railways and Port employees. Inducement required for them is unpredictable.

E. Not considered desirable for GOC to attempt to levy Port and Customs Duty at Haifa as all monies collected will belong to UNO Commission. It is hoped Customs will continue under the Commission or Economic Board and if this is impossible then likely to be impracticable for GOC to levy and collect duties.

Two. GOC will have Chief Civil Advisor and Civil Staff left behind by Palestine Government in Enclave in addition to Foreign Office Advisor.

Three. Replies to COS(ME)199 and COS(ME) 200 are being despatched separately.

Message Control.

To:- MO 4 (for action)

Copies to:- S of S
MS
DMS(A)
US of S
CIGS
VCIGS
DMO
DDMO(A)(B)
D Plans
Lt Col Lowe
MO 1, 4 (12)
DMI
DDMI(I)
MI 1,3,3(a).
DMT
DDMT(A)
DCIGS
DWD
Col GS(W)
DSD
DDSD(A)
SD 2
DRAC
DDRAC
DRA
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E in C & DRE
D E in C
D Sigs
DD Sigs (OO&P)
D Inf
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DL/AV
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DME
DDME(Ops)
D Lab
DES
DUS(A)(B)
DF(a) (c)
F 1
DPR
DDPR
PR Co-ord

68

ONE TIME PAD

From: The War Office

To : C-in-C MELF

BM/2232(MO.4).
Desp. 30 Jan '48.
DTO 301810 Z/JAN

TOP SECRET 06516 (MO 4)

ONE Please refer to COS(ME)198, 199 and 200 dated 26 Jan. The draft directive (COS(ME)199) and the draft Administrative Instruction (COS(ME)200) are intended to give the G.O.C. all the powers that he will need, not only for taking action against those who hinder the evacuation, but also for the performance of such administrative functions as may be essential.

TWO From time to time we are asked for information on civil administrative matters either by the Official Committee on PALESTINE or in order to provide replies to questions by UN Commission. We should therefore like as early information as possible of the steps which you consider it will be necessary for the G.O.C. to take in regard to these matters. In particular we would be grateful for an early answer to the questions given in para THREE below though we realise that at this stage you answers may be speculative.

THREE Questions.

(a) To what extent will the G.O.C. have to keep control of the Railways and the Port of HAIFA, and to what extent will we have to retain the services of the existing British staff?

(b) Will it be essential for him to keep control of, and operate, any other public services?

/ (c)..

(c) Granted the powers given in para 4(b) and (c) of COS(ME)200, will the G.O.C. be able to make satisfactory arrangements for the continued employment of sufficient numbers of the Palestine Police and other British staffs?

(d) To what extent will it be essential to offer inducements as in para 4(b) and (c) of COS(ME)200?

(e) Provided an adequate staff was retained, would it be desirable and practicable for the G.O.C. to levy port and custom duties at HAIFA?

FOUR For your information legislation is being prepared to prevent action being taken in British courts against service personnel in respect of their acts before the completion of withdrawal.

Message Control

IMMEDIATE

Copies to:-

S of S	DDSD(A)	[illegible]	DDST
MS	SD.2	DD[illegible]	DDST(POL)
DMS(A)	DRAC	DP[illegible]	DDST(S)
US of S	DDRAC	DMT	DDST(T)
CIGS	DRA	[illegible]	DOS
VCIGS	DDRA	VCMS	DDOS(Ops)
DMO	E-in-C & MAL	[illegible] of AP	DDOS(Adm)
DDMO(A)(B)	D/E in C	[illegible] of AP	DDOS(G)
D Plans	D Sigs	[illegible](Ops)1,[illegible]	DME
Lt-Col Lowe	DD Sigs(COSP)	D Mov	DDME(Ops)
MO.1,4(12)	D Inf	DD Mov	D Lab
DMI	DD Inf	Col Mov(P)	DES
DDMI(I)	DL/AW	Col Moc (S)	DUS(A)(B)
MI.1,3,5(a)	DDL/AW	DQMG	DF(a)
DMT	AG	DER	F.1
DDMT(A)	Brig AG Coord	D Tn	DPR
DCIGS	VAG	DD Tn(O)	DDPR
DWD	DPS	DQ	PR Coord.
Col GS(W)	DAE	DDQ(B)	
DSD	DAWS	DST	

1949

PALESTINE

E 3175

1st MARCH 1949

Registry Number: 33373/49/31

FROM: W.A.S. Mathieson (Colonial Office)

No. 75873/15A/17

Dated: to Mr. Beeley

Received in Registry: 5th Mar 13th "

W.S.

Evacuation the Palestine Bill.

Enclosure copies of the preliminary brief which have been prepared for the Secretary of State for the second reading of the above the Palestine Bill on the 10th Mar. Also note on the Termination of the Mandate.

Asks Comments.

Last Paper.

3372

References.

(Print.)

(How disposed of.)

(Minutes.)

D. Balfour 13/3

W.S. 13/3

In P.P. N.E. REED (Royal Courts of Justice) Commd.

D. Balfour 24/3

W.S. 23/3

(Action completed.)

(Index.)

Next Paper.

3374

26513 F.O.P.

Enclosure E

My Reference 75872/154/17.

Your Reference .....

E 3373

17 MAR 1948

The Church House,
Gt. Smith Street,
London, S.W.1.

March 5, 1948.

My dear Beeley,

I enclose for your information copies of two preliminary briefs, which we have prepared for the Secretary of State for the Second Reading of the Debate on the Palestine Bill on the 10th March. If you have any comments, we shall be glad to have them urgently.

Yours ever,

W A C Mathieson

(W. A. C. Mathieson)

P.S. I also attach a note on the Termination of the Mandate.

W A C M

H. BEELEY, ESQ. C.B.E.

Mr. Martin:

You informed me that the Secretary of State is due back in this country at 6.00 on the evening of 6th March. He will presumably wish to consider as early as possible material for the debate on the Second Reading of the Palestine Bill down for the 10th March. A whole day is allotted for this debate and it is proposed to take the Second Reading and the Committee stage of the money resolution. Mr. Osborne learns from the Whips' Office that the debate on the Bill may range over the whole subject of Palestine policy. Without discussion with the Secretary of State it is difficult to judge what material he would require on the wider issue, although he will no doubt wish to give an account to the House of the proceedings at the Security Council.

Pending an opportunity of discussion with the Secretary of State I submit the attached papers:

(a) copy of the Bill;

(b) copy of a note on certain legal points prepared by Mr. Dale;

(c) a section of a draft speech prepared before it was known that the Secretary of State would himself be available to open the debate. This speech deals merely with certain points in the Bill, and will no doubt have to be amplified in certain respects.

The assumption on which this Bill was drafted, and on which the draft speech was prepared, was that a United Nations Commission would be available to assume responsibility for the Government of Palestine on the termination of the Mandate. This assumption has been considerably undermined by proceedings in the Security Council and, although this development does not affect the Bill itself, it may affect the manner of its presentation. Questions may well be asked about our right to lay down the Mandate in this way when there is no apparent successor authority. I have asked the Foreign Office to produce a brief on our right to relinquish the Mandate independently of the application of the United Nations resolution and they have promised to let me have it as soon as possible.

The question of compensation terms for officers of the Palestine Government is bound to be raised and I have asked Mr. Gutch to prepare a brief on this subject.

It will be of great assistance to the Department if we could have an early indication of the Secretary of State's wishes regarding the preparation of further briefs.

Lacey

5.3.48

PALESTINE BILL

NOTE ON LEGAL POINTS

General.

The Government of Palestine is the Crown; but Palestine is a separate legal entity, although not a Sovereign State. The Government of Palestine will cease to exist on 15th May. It follows that any contracts made by that Government will automatically terminate on that date - for example contracts made with public officers, contracts made for the execution of public works. Palestine will continue as a legal entity after 15th May, but will still not be a Sovereign State, because it will not be immediately self-governing. The authority for the administration will be the United Nations Commission. The partition plan gives the Commission authority to issue "necessary regulations."

Clause 2(1) of Bill.

As His Majesty will have no jurisdiction in Palestine after the 15th May, any decisions of His Majesty in Council after that day cannot be enforced. It necessarily follows that proceedings before the Privy Council must abate. Proceedings in Prize Courts are excepted, since they are international courts, and all proceedings in prize matters pending in the Palestine Courts will be transferred to the High Court here by the 15th May. A similar provision (apart from the mention of prize) was inserted in the Burma Independence Act and received some criticism in the House (see Hansard, 14th November, 1947, Col. 735); but no other provision is possible. The Privy Council expect to dispose by 15th May of all pending cases from Palestine lodged before the introduction of this Bill.

/Clause...

Clause 2(2)

After 15th May, our troops will be in the position of forces in a foreign country, and we know of no exact precedent for this situation. A military force in enemy country has of course by international law the necessary rights to protect itself, requisition property, etc. The troops in Palestine will merely carry out measures necessary for their safe withdrawal and withdrawal of stores. We have had military forces in foreign countries with which we are not at war before - for example in Iceland and Persia during the late war, and in Egypt for a long time. There was no treaty with the country in question defining their position; but in these cases it was assumed that there was in the forces sufficient overriding power to do what was necessary to carry out their military functions. Here our forces will really be in Palestine with the consent of the United Nations Commission, since their gradual withdrawal up to the 1st August is part of the whole plan. On the whole therefore we feel satisfied with the position of the Forces in International law, but we have thought it well to cover them (and the civil administration) by giving an indemnity against any proceedings in any British Court other than a Dominion court.

Clause 3(1)

Enactments specifically repealed relate to the raising of loans by the Palestine Government and their guarantee by the Treasury. There is one outstanding loan and the guarantee by the Treasury will continue.

Clause 3(2) repeals any enactments which have been applied to Palestine as a mandated territory. The Acts will, however, only be repealed so far as

/concerns...

concerns the law of the United Kingdom, and are left to continue in force as part of the law of Palestine. Whether or not they will continue in force for long, will of course depend on the successor authorities who will be able to alter them as they will. To illustrate the working of this provision: the Air Navigation Acts were applied to Palestine by Order in Council, and as the result there are a number of rules regulating air navigation in force in Palestine. Those rules are not touched by this Bill. On the other hand when the Administration of Justice Act, 1920, was applied to Palestine, the result was simply that judgments obtained in a Palestine court may be registered in the High Court here, and on registration they have legal force here. The 1920 Act is limited to the enforcement of judgments obtained in Colonial or similar courts, and therefore it cannot continue in force as regards Palestine judgments after 15th May. We have, however, provided in Clause 3(3) of the Bill (and the Second Schedule) for any judgments obtained in Palestine before 15th May, to be registrable here after 15th May.

Clause 3(4)

Paragraph (a) enables us to vest in appropriate authorities here the funds and other movable property vested in or belonging to the Government of Palestine. (Immovable property will of course be left to the successor authorities, except such as is vested in a Government Department here, e.g. War Office property). Under this Clause we shall transfer, to the Custodian of Enemy Property here, German liquid assets in the hands of the Palestine Custodian, and they will be disposed of in accordance with His Majesty's Government's obligations under the

/Final...

Final Act of the Paris Conference on Reparations. We shall also transfer here a fund which was specially set up for the purpose of making supplementary grants, in cases of need, to the dependants of officials killed as the result of acts of terrorists in Palestine and to officials themselves who are injured in such circumstances. We shall continue to administer that fund from here.

Regarding Palestine assets generally, we are hoping to negotiate a satisfactory settlement with the United Nations Commission. Pending the outcome of these negotiations and in view of the general uncertainty of the Palestine situation it is difficult to foresee what the position in regard to Palestine's finances will be, but it is necessary to have our hands free to transfer funds to this country for the purpose of meeting liabilities of the Palestine Government falling due for settlement here - e.g. amounts due for payment under contracts placed on behalf of the Palestine Government by the Crown Agents and leave salaries and retirement benefits of British officers of the Palestine Government.

PALESTINE BILL

DRAFT SPEECH FOR SECOND READING

This is a short Bill to make provision for certain matters arising out of the termination of His Majesty's government of Palestine. The House will recall that the General Assembly of the United Nations by resolution of 29th November, 1947, recommended the adoption of a plan for the partition of Palestine with Economic Union, and that that plan provided for the termination of the Mandate "as soon as possible but in any case not later than 1st August, 1948". Accordingly the Bill before the House provides that, on a day to be appointed by His Majesty, the jurisdiction of His Majesty in Palestine shall cease; and from that day His Majesty's Government will no longer be responsible for the government of Palestine. The day to be appointed will be 15th May, 1948, the date when the Mandate will be relinquished. On that day the United Nations Commission will become for the time being the Government of Palestine.

It will not be possible to withdraw all our military forces by that day, but they will all be withdrawn by August 1st at the latest. They will be in the position of armed forces in foreign territory and while I am advised that under international law they will possess the powers required to secure their withdrawal we have thought it right to confer by Clause 2 of the Bill immunity from proceedings in a British court in respect of acts done in good faith and in the execution of duty for the protection and withdrawal from Palestine of His Majesty's forces or stores or other property. Immunity from legal proceedings has also been

/conferred...

conferred on the civil government in respect of acts done for peace, order and good government in Palestine before the appointed day, or for the purpose of or in connection with the termination of His Majesty's jurisdiction. The civil government has, of course, been acting in accordance with the laws of Palestine and will continue so to act so far as is possible. But in the increasingly disturbed state of the country, and in circumstances of extreme difficulty which are entirely without precedent, it may well not be possible for the Palestine Government to proceed in every way, and to leave every duty done, as if it were administering a peaceful country and an orderly population. I hope, therefore the House will agree that it is proper to confer immunity from vexatious actions upon the officers of that government.

The remaining clauses of the Bill are consequential on the provisions I have mentioned. I should like, however, to mention two important matters. First, the position of officers of the Palestine Government. As that Government will come to an end on 15th May the service of the officers with the Palestine Government necessarily terminates on that day. Under the Bill His Majesty will, by Order in Council, be able to ensure by appropriate adaptation of the Acts relating to superannuation that these officers will not suffer loss of pension through any break in their service thus caused; and we are taking steps to ensure that the pensions legislation in the Colonies is similarly adjusted. But apart from this, as ~~I informed~~ the House has already been informed, ~~on His Majesty's Government has guaranteed the pensions and compensation terms~~

~~/of...~~

~~of all these officers.~~

Secondly, in regard to the assets and liabilities of the Government of Palestine, we are at present negotiating with the United Nations Commission in New York about this. Our object is to hand over the general assets of the Government to the successor authorities on their undertaking to meet liabilities. It may be that we shall be unable to complete satisfactory arrangements until well after 15th May, or possibly not at all. Accordingly we are taking power in this Bill to transfer to appropriate authorities here the funds and other movable property of the Palestine Government. They will be held until satisfactory arrangements can be made for meeting the obligations of the Palestine Government.

the expatriate officers have the assurance of HMG that they will receive the compensation and statutory benefits to which they are entitled, on the terms which have been intimated, while the local Palestinian staff are similarly guaranteed the payments due to them until such time as successor authorities have emerged capable of taking over this liability)

TERMINATION OF THE MANDATE

1. At the final session of the League of Nations Assembly in April 1946, the United Kingdom representative declared that Palestine would be administered "in accordance with the general principles" of the existing Mandate until "fresh arrangements had been reached." A passage in the resolution passed in the Assembly meeting on the 18th April 1946 reads as follows:

The Assembly....."takes note of the express intention of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective Mandatory Powers."

2. The above resolution (might be interpreted as obliging) ~~appears~~ to oblige us to continue to administer Palestine under the Mandate until we have agreed some alternative arrangement with the United Nations. The Legal Adviser to the Foreign Office takes the view that in assessing our possible obligations we should base ourselves rather on the factual situation than on any fine point of legal doctrine. He advises:

"The Mandate is unworkable and therefore we are justified in refusing to administer it any more. We put it to the United Nations, not because there is any obligation on them to take over the administration from us, but because the situation in Palestine is full of dangers to peace and the situation of this kind is one which should be

/brought...

brought before the United Nations. In a word, our case for saying we are going to give up the administration of Palestine is that the Mandate is unworkable."

3. We have constantly adhered to this doctrine in our statements before the United Nations. In his speech at the General Assembly on the 26th September, 1947, the Secretary of State said:

"I desire on behalf of His Majesty's Government to state that they endorse without reservation the view that the Mandate should now be terminated. It was the original intention of the League of Nations that the Mandatory Regime in Palestine should lead towards independence. The situation which has since developed clearly necessitates the termination of the Mandate. We accept this necessity and shall willingly lay down the obligations imposed on us so that the goal of independence may be brought within realization... ..... In order that there may be no misunderstanding of the attitude and policy of Britain I have been instructed by His Majesty's Government to announce with all solemnity that they have consequently decided that in the absence of a settlement they must plan for an early withdrawal of British forces and of the British administration from Palestine."

4. In his speech of the 16th October, 1947, the Secretary of State said:

"His Majesty's Government is now surrendering the mandate over Palestine with, I note, general approval. The United Kingdom set out 30 years ago to establish a national home for

/the...

the Jewish people and undertook to do nothing which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine. It undertook, with international endorsement, to facilitate Jewish immigration under suitable conditions and to encourage close settlement by Jews on the land while ensuring that the rights and position of other sections of the population are not prejudiced. It has proved a thankless, and ultimately an impracticable, responsibility for, in the nature of things, neither Jews nor Arabs have been satisfied that their rights and claims have been fully acknowledged by the mandatory - neither have felt able to assume genuine responsibility in Government or administration and neither have been prepared to acknowledge differences and find some mutual accommodation. In the circumstances, the mandate has proved self-contradictory and to a great extent unworkable..... In the absence of full co-operation or of any positive contribution from other powers and in view of the sheer hopelessness of the mandatory obtaining a settlement and reconciliation of conflicts within the mandate, the United Kingdom Government asked the United Nations to consider the future Government of Palestine. The United Nations Special Committee have submitted suggestions and we have made known our agreement with its twelve general recommendations. We have repeated our views that the mandate should be laid down because it is unworkable and that the obligations to the two communities are irreconcilable and that Palestine should now move to independence. We made these decisions known without delay in order to facilitate the work of the Assembly.".....
.....In our judgment a mandatory government

/may...

may voluntarily relinquish the administration of a mandate.

His Majesty's Government are entitled in view of the general opinion expressed in this committee and also the unworkability of the mandate to lay it down and ask the United Nations because of the conflict and its menacing possibilities to consider how orderly government can be achieved and Palestine move rapidly to self-government and independence - the goal unanimously desired by all the parties and the nations represented here. We have struggled hard for a solution of these difficulties and at the cost of hundreds of lives and considerable wealth. Perhaps in the light of all the advice and criticism offered to us in the past by the nationals of other states, more effective ways of securing the elusive solution we were always seeking may be found. We cannot go on indefinitely faced with the hostility of the parties in Palestine, with fierce misrepresentations outside and with the drain on our resources. .....It would be unreasonable to ask His Majesty's Government to carry the sole and full responsibility for the administration of Palestine and for enforcing changes which the United Nations regard as necessary. It has been suggested, as I understand it, that the United Kingdom should carry such responsibility throughout an indefinite transition period until independence is attained, acting under the supervision of the United Nations to enforce United Nations policy and being assisted by a programme of aid as mentioned by the distinguished delegate of the United States, including the possible assistance of a voluntarily recruited international

/police...

police force. My government desire that it should be clear beyond all doubt and ambiguity that not only is it our decision to wind up the mandate but that within a limited period we shall withdraw."

5. On the 26th November, 1947, Sir Alexander Cadogan made a speech containing the following:

"In accepting the Mandate for Palestine after the first world war His Majesty's Government undertook to work for the establishment of a national home for the Jewish people on the understanding that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine. It was assumed at that time that the objects of the mandate could be carried out with the consent and co-operation of both peoples. Time has shown that this assumption was incorrect. After years of strenuous but unavailing effort His Majesty's Government have reached the conclusion that they are not able to bring about a settlement in Palestine based upon the consent of both Arabs and Jews and that the mandate is no longer workable. It is for this reason that they have brought the problem before the United Nations, hoping that the General Assembly would be more successful in the search for an agreed settlement.....
.....As I have already informed the Ad Hoc Committee my Government have consequently decided to lay down the mandate and intend to complete the withdrawal of British forces from Palestine by the 1st August, 1948. By so doing they will make way for a United Nations authority, should the Assembly decide to establish such an authority, and they will

/naturally...

naturally not obstruct the carrying out of any decision which the Assembly may take."

79
END

Dear Arthur,

18th March, 1948.

Palestine Bill.

I have just received the notes on amendments in regard to the Palestine Bill, and I want to make it quite clear that I do not share the view that there is any insurmountable legal obstacle to including in the Bill some provision indicating the possible acceptance of jurisdiction over Palestine by the United Nations. There may be - indeed, I think there are - objections to the amendment in its present terms, but clearly the object behind it is to embody in the Bill an indication that the United Kingdom Government will do what it can to implement the policy of the United Nations. It seems to me, therefore, that the reasons for resisting this amendment are purely political ones, and that it would be disingenuous to attempt an opposition on legal or drafting grounds. I should certainly not feel able to put forward objections of that kind myself.

I do not know whether you or Hector will be dealing with this amendment, and I am therefore sending a copy of this letter to him for his information.

Yours sincerely,

(Sd.) HARTLEY SHAWCROSS.

The Rt. Hon. A. Creech Jones, M.P.,
Colonial Office,
Church House,
Great Smith Street,
S.W.1.